of his wife where a limited divorce has been granted; to the Committee on Veterans' Affairs.

By Mr. PASSMAN:

H. R. 6011. A bill to amend the Federal Alcohol Administration Act with respect to labeling and advertising certain domestic whisky as aged; to the Committee on Interstate and Foreign Commerce.

By Mr. PATMAN:

H. R. 6012. A bill to provide for the issuance of a special postage stamp in commemoration of Fiorello H. LaGuardia; to the Committee on Post Office and Civil Service.

By Mr. PETERSON:

H. R. 6013. A bill to amend an act fixing the price of copies of records furnished by the Department of the Interior; to the Committee on Public Lands.

By Mr. WHITTINGTON:

H. Res. 326. Resolution authorizing and directing the Committee on Public Works to conduct surveys of certain works of improvement; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. DOUGLAS:

H. R. 6014. A bill for the relief of Conrad R. Fanton; to the Committee on the Judiciary.

H. R. 6015. A bill to legalize the admission to the United States of Arthur Liu McCartney; to the Committee on the Judiciary.

By Mr. HELLER:

H. R. 6016. A bill for the relief of Hirsch Teper; to the Committee on the Judiciary.

H. R. 6017. A bill for the relief of Francesco Carresi; to the Committee on the Judiciary.

By Mr. LICHTENWALTER:

H. R. 6018. A bill for the relief of Lubomir Mikulik and Viliam Krajcirovic; to the Committee on the Judiciary.

By Mr. MANSFIELD:

H. R. 6019. A bill to authorize the Secretary of Agriculture to convey certain land in Montana to George G. E. Neill upon payment of the fair market value; to the Committee on Public Lands.

By Mr. SASSCER:

H. R. 6020. A bill for the relief of Richard H. Sears; to the Committee on the Judiciary.

By Mr. SHEPPARD:

H. R. 6021. A bill for the relief of F. E. Thibodo; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1412. By Mr. SMITH of Wisconsin: Petition of sundry citizens of Broadhead, Wis., and outlying rural communities, protesting against S. 1581, National Health Act of 1949, which would disrupt the effective services now being provided by the Food and Drug Administration and further dismember the Children's Bureau; to the Committee on Interstate and Foreign Commerce.

1413. By Mrs. ST. GEORGE: Petition favoring the prohibition of transportation of alcoholic beverage advertising in interstate commerce and the broadcasting of alcoholic beverage advertising over the radio; to the Committee on Interstate and Foreign Commerce.

1414. By the SPEAKER: Petition of Mr. Walter C. Peterson, city clerk, Los Angeles, Calif., relative to urging that immediate statehood be granted to the Territories of Hawaii and Alaska; to the Committee on Public Lands.

1415. Also, petition of American Urological Association, Atlantic City, N. J., requesting that it be placed on record as being against any form of compulsory health insurance or any system of political medicine designed for bureaucratic control; to the Committee on Interstate and Foreign Commerce.

SENATE

WEDNESDAY, AUGUST 17, 1949

(Legislative day of Thursday, June 2, 1949)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Rev. Robert N. DuBose, D. D., of the Association of American Colleges, Washington, D. C., offered the following prayer:

Lord of life, Creator of all men, regenerate our wills, purify our aspirations, and refine our ambitions that we may be used of Thee. Unbind our spirits that circumstances may never become our master. Give us ingenuity and resourcefulness and, by the pattern of Thy love, make our lives meaningful.

May the vision of the future challenge those of us gathered here in this great lawmaking body and cause us to make strong and yet stronger the resolution which makes for the better way of life.

May these, our leaders, be given wisdom as they face the problem of strife and discord in our own Nation and in our international relations.

In simple faith and trust, in loyalty and self-abnegation, in humility and gratitude, we pray. Amen.

THE JOURNAL

On request of Mr. WHERRY, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, August 16, 1949, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that the President had approved and signed the following acts:

On August 13, 1949:

S. 1323. An act to declare that the United States holds certain lands in trust for the Pueblo Indians and the Canoncito Navajo group in New Mexico, and for other purposes.

On August 15, 1949:

S. 1278. An act to fix the United States share of project costs, under the Federal Airport Act, involved in installation of high intensity lighting on CAA-designated instrument-landing runways.

On August 16, 1949:

S. 1918. An act to authorize the Commissioners of the District of Columbia to appoint contracting officers to make contracts in amounts not exceeding $3,000.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed, severally with an amendment, the following bills of the Senate, in which it requested the concurrence of the Senate:

S. 331. An act for the relief of Ghetel Pollak Kahan, Magdalena Linda Kahan (wife), and Susanna Kahan (daughter, 12 years old);

S. 520. An act to authorize and direct the Secretary of the Interior to issue to Leo Farwell Glenn, a Crow allottee, a patent in fee to certain lands; and

S. 1361. An act to authorize and direct the Secretary of the Interior to issue to John Grayeagle a patent in fee to certain land.

The message also announced that the House had passed the following bills and joint resolution in which it requested the concurrence of the Senate:

H. R. 587. An act for the relief of the estate of Dick Walook, Alfred L. Woods, and Edward Kimoktoak;

H. R. 715. An act for the relief of Manuel Uribe;

H. R. 1024. An act for the relief of Jacob Brown;

H. R. 1106. An act for the relief of King V. Clark;

H. R. 1484. An act for the relief of Mrs. Mary Capodanno and the legal guardian of Vincent Capodanno;

H. R. 1485. An act for the relief of Josephine Lisitano;

H. R. 1600. An act for the relief of Gustav Schilbred;

H. R. 2075. An act for the relief of Frank G. Moore;

H. R. 2266. An act for the relief of Morris Tutnauer;

H. R. 2758. An act for the relief of the Fisher Brewing Co.;

H. R. 3081. An act for the relief of the estate of Maurice G. Evans;

H. R. 3405. An act for the relief of Vivian Newell Price;

H. R. 3498. An act for the relief of the Gluckin Corp.;

H. R. 3499. An act to confer jurisdiction upon the United States District Court for the Central Division of the Southern District of California to hear, determine, and render judgment upon the claim of Mabel Colliver;

H. R. 3769. An act for the relief of Doris M. Faulkner;

H. R. 3804. An act for the relief of Fred B. Niswonger;

H. R. 3810. An act for the relief of Cecil E. Gordon;

H. R. 3863. An act for the relief of Carl C. Ballard;

H. R. 3864. An act to convey certain lands taken from W. W. Stewart by the United States;

H. R. 4165. An act for the relief of Katherine H. Clagett;

H. R. 4556. An act for the relief of the estate of Elmo Sodergren;

H. R. 4563. An act for the relief of Mrs. Sarah E. Thompson;

H. R. 4777. An act for the relief of J. D. Lecky;

H. R. 4889. An act for the relief of Mrs. Jack J. O'Connell;

H. R. 5149. An act for the relief of Fernando Aboitiz;

H. R. 5319. An act granting a renewal of patent No. 40,029, relating to the badge of the Holy Name Society;

H. R. 5353. An act for the relief of Max Schlederer;

H. R. 5375. An act for the relief of Mrs. Hilda De Silva;

H. R. 5539. An act for the relief of Mrs. Claudia Weitlanner;

H. R. 5582. An act for the relief of the Belle Isle Cab Co., Inc.;

H. R. 5777. An act for the relief of Joe D. Dutton;

H. R. 5851. An act for the relief of Mrs. Toshiko Keyser; and

H. J. Res. 281. Joint resolution to authorize the President to issue posthumously to the late John Sidney McCain, vice admiral, United States Navy, a commission as admiral, United States Navy, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the President pro tempore:

S. 555. An act for the relief of Eiko Nakamura;

S. 622. An act for the relief of Isaiah Johnson;

S. 787. An act for the relief of William (Vasilios) Kotsakis;

S. 855. An act to authorize a program of useful public works for the development of the Territory of Alaska;

S. 1026. An act for the relief of Roman Szymanski and Anastosia Szymanski;

S. 1949. An act to authorize the lease of the Federal correctional institution at Sandstone, Minn., to the State of Minnesota;

S. 1962. An act to amend the cotton and wheat marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended;

S. 1977. An act to extend the time within which legislative employees may come within the purview of the Civil Service Retirement Act;

S. 2170. An act for the relief of W. P. Bartel;

S. 2391. An act to authorize the construction, operation, and maintenance of the Weber Basin reclamation project, Utah; and

S. J. Res. 3. Joint resolution to provide that any future payments by the Republic of Finland on the principal or interest of its debt of the First World War to the United States shall be used to provide educational and technical instruction and training in the United States for citizens of Finland and American books and technical equipment for institutions of higher education in Finland, and to provide opportunities for American citizens to carry out academic and scientific enterprises in Finland.

LEAVES OF ABSENCE

On request of Mr. HUMPHREY, and by unanimous consent, Mr. PEPPER was excused from attendance on the session of the Senate today because of public business.

On request of Mr. WHERRY, and by unanimous consent, Mr. BUTLER was excused from attendance on the sessions of the Senate today and to and including next Wednesday.

Mr. LONG asked and obtained consent to be absent from the Senate on Thursday, August 18, and Friday, August 19.

Mr. BALDWIN asked and obtained consent to be absent from the Senate tomorrow, August 18, and Friday, August 19.

Mr. HICKENLOOPER asked and obtained consent to be absent from the Senate tomorrow, August 18.

COMMITTEE MEETINGS

On request of Mr. HUMPHREY, and by unanimous consent, the Committees on Armed Services and Foreign Relations, sitting jointly, were authorized to meet this afternoon during the session of the Senate.

The following order was inadvertently omitted from the RECORD of Tuesday, August 16, 1949:

On request of Mr. O'MAHONEY, and by unanimous consent, the Committee on Interior and Insular Affairs was authorized to meet tomorrow during the session of the Senate.

CALL OF THE ROLL

Mr. WHERRY. Mr. President, I renew my suggestion of the absence of a quorum. I also suggest that inasmuch as we are under a limitation of time, the quorum call be charged to both sides equally.

The PRESIDENT pro tempore. Without objection, that will be done. The clerk will call the roll.

The roll was called, and the following Senators answered to their names:

Cain	Hickenlooper	Neely
Donnell	Holland	Russell
Ellender	Humphrey	Schoeppel
Ferguson	Ives	Taylor
Flanders	Johnston, S. C.	Watkins
Gillette	Kerr	Wherry
Graham	McClellan	Withers
Green	McKellar	Young
Hendrickson	Martin	

The PRESIDENT pro tempore. A quorum is not present. The clerk will call the names of the absent Senators.

The legislative clerk called the names of the absent Senators, and Mr. KEM, Mr. THYE, Mr. WILEY, and Mr. WILLIAMS answered to their names when called.

The PRESIDENT pro tempore. A quorum is not present.

Mr. HUMPHREY. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. MCFARLAND, Mr. FREAR, Mr. STENNIS, Mr. CAPEHART, Mr. SPARKMAN, Mr. TYDINGS, Mr. KILGORE, Mrs. SMITH of Maine, Mr. MUNDT, Mr. O'CONOR, Mr. MCCARTHY, Mr. TAFT, Mr. HILL, Mr. HOEY, Mr. THOMAS of Utah, Mr. DOUGLAS, Mr. LUCAS, Mr. MAYBANK, and Mr. ANDERSON entered the Chamber and answered to their names.

Mr. BALDWIN, Mr. CHAPMAN, Mr. DULLES, Mr. FULBRIGHT, Mr. HAYDEN, Mr. JOHNSON of Texas, Mr. MCCARRAN, Mr. ROBERTSON, Mr. SMITH of New Jersey, and Mr. VANDENBERG also entered the Chamber and answered to their names.

Mr. LUCAS. I announce that the Senator from Virginia [Mr. BYRD], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Texas [Mr. CONNALLY], the Senator from California [Mr. DOWNEY], the Senator from Mississippi [Mr. EASTLAND], the Senator from Georgia [Mr. GEORGE], the Senators from Wyoming [Mr. HUNT and Mr. O'MAHONEY], the Senator from Colorado [Mr. JOHNSON], the Senator from Tennessee [Mr. KEFAUVER], the Senator from Louisiana [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Idaho [Mr. MILLER], the Senator from Montana [Mr. MURRAY], the Senator from Pennsylvania [Mr. MYERS], and the Senator from Oklahoma [Mr. THOMAS] are detained on official business in meetings of committees of the Senate.

The Senator from Rhode Island [Mr. MCGRATH] and the Senator from Connecticut [Mr. MCMAHON] are absent on public business.

The Senator from Florida [Mr. PEPPER] is absent by leave of the Senate on public business.

Mr. WHERRY. I announce that the Senator from Vermont [Mr. AIKEN], the Senator from Nebraska [Mr. BUTLER], and the Senator from Kansas [Mr. REED] are absent by leave of the Senate.

The Senator from Maine [Mr. BREWSTER] is necessarily absent.

The Senator from New Hampshire [Mr. TOBEY] is absent because of illness.

The Senator from Ohio [Mr. BRICKER], the Senator from New Hampshire [Mr. BRIDGES], the senior Senator from Oregon [Mr. CORDON], the Senator from Montana [Mr. ECTON], the Senator from South Dakota [Mr. GURNEY], the Senator from Indiana [Mr. JENNER], the Senator from California [Mr. KNOWLAND], the Senator from North Dakota [Mr. LANGER], the junior Senator from Massachusetts [Mr. LODGE], the Senator from Nevada [Mr. MALONE], the Senator from Colorado [Mr. MILLIKIN], the junior Senator from Oregon [Mr. MORSE], and the senior Senator from Massachusetts [Mr. SALTONSTALL] are detained on official business at meetings of committees of the Senate.

The PRESIDENT pro tempore. A quorum is present.

TRANSACTION OF ROUTINE BUSINESS

Mr. HUMPHREY. Mr. President, I ask unanimous consent that Senators be permitted to present petitions and memorials, introduce bills and joint resolutions, and incorporate matters into the RECORD and the Appendix of the RECORD, without debate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WORLD FEDERATION—PETITION

Mr. MYERS. Mr. President, I present for appropriate reference a petition signed by Roy Stauffer and 17 other citizens of Scranton, Pa., praying for a world federation, and I ask unanimous consent that it be printed in the RECORD without the signatures.

There being no objection, the petition was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, without the signatures, as follows:

SCRANTON, PA., *August 4, 1949.*

The Honorable FRANCIS J. MYERS,
United States Senate,
Washington, D. C.

DEAR MR. MYERS: We in this area believe that the most important problem facing the anthracite region, or any other region in this country, is the problem of securing world peace.

We have studied this problem and believe that the best solution lies in pending legislation in the Senate, in the form of the world-federation resolution introduced in the Senate July 26, 1949, by Senator CHARLES W. TOBEY, with the bipartisan support of 13 Senators.

For your convenience we quote the wording of the resolution, which is as follows:

"Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that it should be a fundamental objective of the foreign policy of the

United States to support and strengthen the United Nations and to seek its development into a world federation open to all nations, with defined and limited powers adequate to preserve peace and prevent aggression through the enactment, interpretation, and enforcement of world law."

We, the undersigned, representative of both political parties, urge you to work for an early hearing of this resolution. We urge you, beyond that, to enlighten your fellow Senators concerning the advantage of the stronger world-federation resolution compared to other similar resolutions which might be introduced, and to fight for its passage on the floor of the Senate.

In our opinion, you will be doing a great service to your constituents and to your country.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HUMPHREY, from the Committee on Labor and Public Welfare:

H. R. 3829. A bill to provide assistance for local school agencies in providing educational opportunities for children on Federal reservations or in defense areas, and for other purposes; without amendment (Rept. No. 929).

By Mr. O'MAHONEY, from the Committee on Interior and Insular Affairs:

H. R. 2517. A bill directing the Secretary of the Interior to convey certain land to Palm Beach County, Fla.; without amendment (Rept. No. 930);

H. R. 4073. A bill to provide for the conveyance to the State of New York of certain historic property situated within Fort Niagara State Park, and for other purposes; without amendment (Rept. No. 931); and

H. R. 4208. A bill to add certain surplus land to Petersburg National Military Park, Va., to define the boundaries thereof, and for other purposes; without amendment (Rept. No. 932).

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, August 17, 1949, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 555. An act for the relief of Eiko Nakamura;

S. 622. An act for the relief of Isaiah Johnson;

S. 787. An act for the relief of William (Vasilios) Kotsakis;

S. 855. An act to authorize a program of useful public works for the development of the Territory of Alaska;

S. 1026. An act for the relief of Roman Szymanski and Anastosia Szymanski;

S. 1949. An act to authorize the lease of the Federal correctional institution at Sandstone, Minn., to the State of Minnesota;

S. 1962. An act to amend the cotton and wheat marketing-quota provisions of the Agricultural Adjustment Act of 1938, as amended;

S. 1977. An act to extend the time within which legislative employees may come within the purview of the Civil Service Retirement Act;

S. 2170. An act for the relief of W. P. Bartel;

S. 2391. An act to authorize the construction, operation, and maintenance of the Weber Basin reclamation project, Utah; and

S. J. Res. 3. Joint resolution to provide that any future payments by the Republic of Finland on the principal or interest of its debt of the First World War to the United States shall be used to provide educational and technical instruction and training in the United States for citizens of Finland and American books and technical equipment for institutions of high education in Finland, and to provide opportunities for American citizens to carry out academic and scientific enterprises in Finland.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAVEZ:

S. 2446. A bill for the relief of Maria Enriquez; to the Committee on the Judiciary.

By Mr. TYDINGS:

S. 2447. A bill for the relief of Mrs. Maud E. Raymond, widow of Alcide Raymond; to the Committee on Armed Services.

By Mr. LODGE (by request):

S. 2448. A bill to authorize the filling of Tully Reservoir, Mass., for recreational purposes; to the Committee on Public Works.

By Mr. McCARRAN (for himself and Mr. JOHNSTON of South Carolina):

S. 2449. A bill to amend the District of Columbia Teachers' Salary Act of 1947; to the Committee on the District of Columbia.

By Mr. LANGER:

S. 2450. A bill to clarify the provision of section 6 (b) of the act of August 24, 1912, relating to the payment of compensation to Government employees restored to duty after erroneous removal or suspension; to the Committee on Post Office and Civil Service.

S. 2451. A bill for the relief of Abdul Whab; to the Committee on the Judiciary.

By Mr. HOEY:

S. 2452. A bill for the relief of Artemissia Robert Batis; to the Committee on the Judiciary.

By Mr. CONNALLY (for himself and Mr. THOMAS of Oklahoma):

S. J. Res. 128. Joint resolution to authorize the President to lend to the Food and Agriculture Organization of the United Nations funds for the construction and furnishing of a permanent headquarters, and for related purposes; to the Committee on Foreign Relations.

INTERIOR DEPARTMENT APPROPRIATIONS—AMENDMENT

Mr. MURRAY submitted an amendment intended to be proposed by him to the bill (H. R. 3838) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1950, and for other purposes, which was ordered to lie on the table and to be printed.

NATIONAL MILITARY ESTABLISHMENT APPROPRIATIONS—AMENDMENT

Mr. KILGORE submitted an amendment intended to be proposed by him to the bill (H. R. 4146) making appropriations for the National Security Council, the National Security Resources Board, and for military functions administered by the National Military Establishment for the fiscal year ending June 30, 1950, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT OF NATIONAL HOUSING ACT—AMENDMENT

Mr. CAIN. Mr. President, on behalf of the Senator from Ohio [Mr. BRICKER] and myself, I submit an amendment in the nature of a substitute intended to be proposed by us jointly to the bill (S. 2246) to amend the National Housing Act, as amended, and for other purposes.

I sincerely invite the attention of the chairman of the Banking and Currency Committee [Mr. MAYBANK], the Senator from Alabama [Mr. SPARKMAN], and the majority leader [Mr. LUCAS] to this proposal and what it seeks to do.

I have already submitted three amendments to S. 2246 and have indicated the wide differences of opinion which exist on the subject matter contained in this bill as it stands on the Senate Calendar at the present time. I have pointed out the uncharted areas and new departures in housing legislation which S. 2246 contains, and I have no further wish to argue those points at this time.

However, I share the concern which the Senator from Alabama [Mr. SPARKMAN] expressed on the floor of the Senate on August 11, when a proposed unanimous-consent agreement concerning a legislative schedule was under discussion. Senator SPARKMAN had this to say, and I quote from page 11247 of the CONGRESSIONAL RECORD:

> I am in complete sympathy with the unanimous-consent request which has been made, but in connection with what the Vice President has said I should like to ask whether the effect of the proposed agreement would not be to arrange a schedule which would become unchangeable except by a later unanimous-consent agreement. My reason for asking the question is that the Senate Committee on Banking and Currency today is reporting a housing bill, to provide for the continuance and the extension, in some respects, of the present Federal Housing Act, and other features which have been asked for by the housing agency. I call attention to the fact that the FHA authority under title 1 and title 6 will expire on the last day of this month. It seems to me that if this agreement does set a fixed schedule of legislation we may be caught in a jam in getting some measure considered by the Senate which we may have to have considered before the time indicated.

The majority leader [Mr. LUCAS] replied as follows:

> With respect to deadlines we have to meet, it would be necessary to secure unanimous consent to lay everything aside to consider legislation that had a deadline, and which we thought was important enough to pass.

Mr. President, the proposed substitute which Mr. Bricker and I are offering will deal very adequately with the expiration dates for titles I and VI of the National Housing Act to which Senator SPARKMAN alluded. It also will increase the authorization of funds for title I, title II, title VI and the Federal National Mortgage Association in exactly the same manner and the same amounts as the corresponding provisions contained in title I of S. 2246. The substitute bill merely extends and amplifies already existing FHA and RFC provisions which are working very well and which the Banking and Currency unanimously agreed to when those sections of S. 2246 were voted on in executive session.

But with the sole exception of the lifting of the 50 percent limitation on Fannie Mae purchases for certain types of mortgages on low cost homes—which is also contained in S. 2246 as it stands on the calendar—no substantive change in existing law is contained. Therefore, it seems only logical to me, in view of the crowded legislative calendar, that this noncontroversial substitute be enacted. In this way, time limitations and absence of adequate funds will not hamper the effective functioning of the Federal Housing Administration and the FNMA at the end of this month. And in this manner a complete study, investigation, and debate of the remainder of S. 2246 can be delayed for a more propitious time.

The PRESIDENT pro tempore. The amendment will be received, printed, and lie on the table.

PRINTING OF REVIEW OF REPORT ON ARKANSAS RIVER AND TRIBUTARIES (S. DOC. NO. 107)

Mr. HOLLAND. Mr. President, on behalf of the distinguished Senator from New Mexico [Mr. CHAVEZ], I present a letter from the Secretary of the Army, transmitting a report dated May 13, 1949, from the Chief of Engineers, United States Army, together with accompanying papers and an illustration, on a review of report on the Arkansas River and tributaries, and I ask unanimous consent that it may be referred to the Committee on Public Works and printed as a Senate document.

The PRESIDENT pro tempore. Without objection, it is so ordered.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles, and referred, as indicated:

H. R. 587. An act for the relief of the estate of Dick Walook, Alfred L. Woods, and Edward Kimoktoak;

H. R. 715. An act for the relief of Manuel Uribe;

H. R. 1024. An act for the relief of Jacob Brown;

H. R. 1106. An act for the relief of King V. Clark;

H. R. 1484. An act for the relief of Mrs. Mary Capodanno, and the legal guardian of Vincent Capodanno;

H. R. 1485. An act for the relief of Josephine Lisitano;

H. R. 1600. An act for the relief of Gustav Schilbred;

H. R. 2075. An act for the relief of Frank G. Moore;

H. R. 2266. An act for the relief of Morris Tutnauer;

H. R. 2758. An act for the relief of the Fisher Brewing Co.;

H. R. 3081. An act for the relief of the estate of Maurice G. Evans;

H. R. 3405. An act for the relief of Vivian Newell Price;

H. R. 3498. An act for the relief of the Gluckin Corp.;

H. R. 3499. An act to confer jurisdiction upon the United States District Court for the Central Division of the Southern District of California to hear, determine, and render judgment upon the claim of Mabel Colliver;

H. R. 3769. An act for the relief of Doris M. Faulkner;

H. R. 3804. An act for the relief of Fred B. Niswonger;

H. R. 3810. An act for the relief of Cecil E. Gordon;

H. R. 3863. An act for the relief of Carl C. Ballard;

H. R. 4165. An act for the relief of Katherine H. Clagett;

H. R. 4556. An act for the relief of the estate of Elmo Sodergren;

H. R. 4563. An act for the relief of Mrs. Sarah E. Thompson;

H. R. 4777. An act for the relief of J. D. Lecky;

H. R. 4889. An act for the relief of Mrs. Jack J. O'Connell;

H. R. 5149. An act for the relief of Frenando Aboitiz;

H. R. 5319. An act granting a renewal of patent No. 40,029, relating to the badge of the Holy Name Society;

H. R. 5353. An act for the relief of Max Schlederer;

H. R. 5375. An act for the relief of Mrs. Hilda De Silva;

H. R. 5539. An act for the relief of Mrs. Claudia Weitlanner;

H. R. 5582. An act for the relief of the Belle Isle Cab Co., Inc.;

H. R. 5777. An act for the relief of Joe D. Dutton; and

H. R. 5851. An act for the relief of Mrs. Toshiko Keyser; to the Committee on the Judiciary.

H. R. 3864. An act to convey certain lands taken from W. W. Stewart by the United States; and

H. J. Res. 281. Joint resolution to authorize the President to issue posthumously to the late John Sidney McCain, vice admiral, United States Navy, a commission as admiral, United States Navy, and for other purposes; to the Committee on Armed Services.

ADDRESS BY SENATOR MYERS BEFORE ANNUAL STATE CONVENTION OF THE AMERICAN LEGION, DEPARTMENT OF PENNSYLVANIA

[Mr. MYERS asked and obtained leave to have printed in the RECORD the address delivered by him before the annual State convention of the American Legion, Department of Pennsylvania, in the Syria Mosque, Pittsburgh, Pa., on August 11, 1949, which appears in the Appendix.]

EXPANSION OPPORTUNITIES FOR RAILROADS, EXCERPTS FROM ADDRESS BY SENATOR MYERS

[Mr. MYERS asked and obtained leave to have printed in the RECORD excerpts from an address delivered by him on the Labor and Industry Day program of the centennial anniversary observance of Altoona, Pa., which appears in the Appendix.]

PEOPLE ALWAYS REMEMBER THE BAD ONES AND NEVER TELL YOU ABOUT THE GOOD ONES—RETIREMENT OF SCRANTON WEATHER OBSERVER RALPH C. WEST

[Mr. MYERS asked and obtained leave to have printed in the RECORD an article published in the Scranton (Pa.) Times of June 10, 1949, relative to the retirement of Scranton Weather Observer Ralph C. West, which appears in the Appendix.]

HAPPENINGS IN WASHINGTON—BROADCAST BY SENATOR MARTIN

[Mr. MARTIN asked and obtained leave to have printed in the RECORD a broadcast entitled "Happenings in Washington—Program No. 5," made by him on August 15, 1949, which appears in the Appendix.]

UNION OF EUROPEAN STATES—ARTICLE BY DOROTHY THOMPSON

[Mr. FULBRIGHT asked and obtained leave to have printed in the RECORD an article by Dorothy Thompson, entitled "European Order of Sovereign Nations Called As Obsolete As Greek City States," which appears in the Appendix.]

INDIAN CLAIMS COMMISSION—COMMENTS ON HOOVER COMMISSION RECOMMENDATIONS

Mr. McCLELLAN. Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a statement which I have prepared, including comments of the Chief Commissioner of the Indian Claims Commission with reference to the Hoover Commission's recommendations affecting that agency.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JOHN L. M'CLELLAN, CHAIRMAN, SENATE COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS

Senator JOHN L. MCCLELLAN, chairman of the Senate Committee on Expenditures in the Executive Departments, released today a letter from Edgar E. Witt, Chief Commissioner of the Indian Claims Commission, with reference to recommendations contained in the Hoover Commission reports which affect that agency.

Commissioner Witt pointed out that the Indian Claims Commission was created as an independent agency reporting direct to the President as a temporary organization limited to an existence of 10 years, from April 10, 1947. He is, therefore, opposed to that section of the Hoover Commission's concluding report amending its recommendations in the report on social security, education, and Indian affairs, to the effect that the "Indian Claims Commission should be attached to the Indian affairs service as an appeal board with independent powers of review on Indian claims."

In explaining the position of the Indian Claims Commission in reference to its disagreement to this recommendation, Commissioner Witt stated:

"This Commission is endeavoring to perform the work of hearing and determining the claims of Indian tribes, bands and other identifiable groups of American Indians, in strict accordance with the provisions of the law under which it was created. It has established and promulgated rules of procedure governing the presentation, hearing and determination of said claims. Many petitions have been filed pursuant to the statute and in compliance with the rules of procedure, and numerous hearings have been held. Rulings have been made on a variety of subjects, a number of claims have been determined, formal opinions have been written and published, and in several instances appeals have been taken from the Commission's decisions to the Court of Claims in accordance with the provisions of the law establishing the Commission. If this Commission's functions are changed to those of an appellate or reviewing body, another establishment necessarily must be created to conduct the proceedings which this Commission shall review. This Commission is now functioning in an orderly manner in the carrying out of the duties with which Congress has charged it, and it is our opinion that no good purpose would be served in making the change recommended in the concluding report above referred to."

The Commission had no specific comments relative to other reports of the Hoover Commission, inasmuch as its activities are restricted to functions which are judicial in character and of a temporary nature, and, therefore, are relatively simple.

The letter from the Chief Commissioner of the Indian Claims Commission follows:

INDIAN CLAIMS COMMISSION,
Washington, D. C.

Hon. JOHN L. MCCLELLAN,
Chairman, Committee on Expenditures in the Executive Departments, United States Senate, Washington, D. C.

DEAR SENATOR MCCLELLAN: Your letter of May 23 has been received together with the enclosed two printed documents based on reports and task-force appendixes of the Commission on Organization of the Executive Branch of the Government. We have noted the request in your letter for a report from this establishment relative to the application of the various recommendations and textual discussions in the Commission reports which affect our establishment either directly or indirectly, and have also noted your statement that you are interested in obtaining our comments relative to prospective implementation of recommendations contained in such reports.

The printed documents above referred to which were enclosed in your letter do not contain any reference to the Indian Claims Commission or any recommendations which appear to affect it.

The Indian Claims Commission is judicial in character and is a temporary organization, limited to an existence of 10 years from April 10, 1947. Public Law 726, Seventy-ninth Congress, chapter 959, second session, by which the Commission was created and established provides that the Commission shall have jurisdiction to hear and determine certain designated claims against the United States on behalf of any Indian tribe, band, or other identifiable group of American Indians residing within the territorial limits of the United States or Alaska.

When the enacting clause of the bill creating the Indian Claims Commission was originally drawn, it contained a provision that "there is hereby created and established an independent agency of the executive branch of the Government, to be known as the Indian Claims Commission." (Hearings before the Committee on Indian Affairs, House of Representatives, 79th Cong., 1st sess., p. 140.)

This was amended by Congress by striking out the above underscored language, with the explanation for this amendment as follows:

"The amendment here suggested would delete language which appears to have no legal significance and is not entirely consistent with the functions of the proposed Indians Claims Commission. The Commission would in effect serve as the agent of the Congress to pass upon the merits of Indian tribal claims, and its final determinations would be embodied in reports to the Congress. Its work would be abjudicatory in character, its procedures would follow those of the legislative courts established by the Congress, and its determinations would not be subject to executive control."

The Indian Claims Commission is a small agency at present, comprising but 11 persons, including the three Commissioners. Its personnel, supply, and accounting activities are relatively simple, and do not appear to require a change from present methods.

The concluding report of the Commission on Organization of the Executive Branch of the Government, submitted to the Congress on May 20, 1949, contains on page 71 the following:

"M. SOCIAL SECURITY, EDUCATION, INDIAN AFFAIRS

"We recommend that the Federal Security Agency be abolished and that a new department of Cabinet rank be created to include the following activities:

* * * * *

"3. A service to include the activities of the Bureau of Indian Affairs to be transferred from the Interior Department. The Indian Claims Commission should be attached to the Indian Affairs Service as an appeal board with independent powers of review on Indian Claims." A footnote states, "This recommendation is made here for the first time and does not appear in any other Commission report."

We respect the services rendered by the Commission on the Organization of the Executive Branch of the Government but we are constrained, respectively, to disagree with this recommendation. This Commission is endeavoring to perform the work of hearing and determining the claims of Indian tribes, bands, and other identifiable groups of American Indians, in strict accordance with the provisions of the law under which it was created. It has established and promulgated rules of procedure governing the presentation hearing, and determination of said claims. Many petitions have been filed pursuant to the statute and in compliance with the rules of procedure, and numerous hearings have been held. Rulings have been made on a variety of subjects, a number of claims have been determined, formal opinions have been written and published, and in several instances appeals have been taken from the Commission's decisions to the Court of Claims in accordance with the provisions of the law establishing the Commission. If this Commission's functions are changed to those of an appellate or reviewing body, another establishment necessarily must be created to conduct the proceedings which this Commission shall review. This Commission is now functioning in an orderly manner in the carrying out of the duties with which Congress has charged it, and it is our opinion that no good purpose would be served in making the change recommended in the concluding report above referred to.

It is the desire of this Commission to cooperate with you and the above comments are respectfully submitted in line with this desire.

Sincerely yours,

EDGAR E. WITT,
Chief Commissioner.

AMENDMENT OF VETERANS' PREFERENCE ACT OF 1944 RELATING TO CERTAIN MOTHERS OF VETERANS

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 974) to amend the Veterans' Preference Act of 1944 with respect to certain mothers of veterans, which was, on page 2 line 3, to strike out "legally."

Mr. TYDINGS. Mr. President, the message which the Chair has laid before the Senate concerns a private bill dealing with a matter upon which the Senate has already acted. One word has been changed by the House, which has no widespread effect. I therefore move that the Senate concur in the House amendment.

Mr. WHERRY. Mr. President, will the Senator explain the amendment in more detail?

Mr. TYDINGS. This is a bill which gives a preference to a widow who has lost her only son in the service of the United States. The House struck out the word "legally," which means if she is separated from her husband, and depending on herself only for support, she gets the preference.

Mr. WHERRY. I have no objection.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Maryland.

The motion was agreed to.

PATENT IN FEE TO LEO FARWELL GLENN

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 520) to authorize and direct the Secretary of the Interior to issue to Leo Farwell Glenn, a Crow allottee, a patent in fee to certain lands, which was, on page 2, line 5, after "acres" to insert a colon and the following proviso:

Provided, That when the land herein described is offered for sale, the Crow Tribe, or any Indian who is a member of said tribe, shall have 90 days in which to execute preferential rights to purchase said tract at a price offered to the seller by a prospective buyer willing and able to purchase.

Mr. O'MAHONEY. Mr. President, this is a House amendment to a Senate bill granting a patent in fee to a Crow Indian. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

PATENT IN FEE TO JOHN GRAYEAGLE

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1361) to authorize and direct the Secretary of the Interior to issue to John Grayeagle a patent in fee to certain land, which was, in line 9, after "25" insert a colon and the following proviso:

Provided, That when the land herein described is offered for sale, the Standing Rock Sioux Tribe, or any Indian who is a member of said tribe, shall have 90 days in which to execute preferential rights to purchase said tract at a price offered to the seller by a prospective buyer willing and able to purchase.

Mr. WHERRY. Mr. President, reserving the right to object, will the distinguished Senator inform the Senate what this bill is?

Mr. O'MAHONEY. It is a Senate bill to authorize the Secretary of the Interior to issue a patent in fee to an Indian.

Mr. WHERRY. I have no objection.

Mr. O'MAHONEY. Mr. President, I move that the Senate concur in the House amendment.

The motion was agreed to.

ADDITION OF CERTAIN LANDS TO BIG BEND NATIONAL PARK, TEX.

Mr. O'MAHONEY. Mr. President, I submit a conference report on House bill 2877, to authorize the addition of certain lands to the Big Bend National Park in the State of Texas, and I ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. The report will be read for the information of the Senate.

The report was read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2877) to authorize the addition of certain lands to the Big Bend National Park, in the State of Texas, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the language inserted by the Senate amendment insert the following: "*Provided, however,* That the aggregate

cost to the Federal Government of properties acquired hereafter and under the provisions hereof shall not exceed the sum of $10,000"; and the Senate agree to the same.

JOSEPH C. O'MAHONEY,
J. E. MURRAY,
CLINTON P. ANDERSON,
HUGH BUTLER,
E. D. MILLIKIN,
Managers on the Part of the Senate.

J. HARDIN PETERSON,
JOHN R. MURDOCK,
KEN REGAN,
FRED L. CRAWFORD,
WM. LEMKE,
Managers on the Part of the House.

The PRESIDENT pro tempore. Is there objection to the present consideration of the conference report?

There being no objection, the report was considered and agreed to.

Mr. WHERRY subsequently said: Mr. President, may I inquire about the nature of the report.

Mr. O'MAHONEY. It relates to the Big Bend National Park in Texas. The Senate amended the House bill so as to provide that the land purchased should not involve more than $10,000; and the conferees on the part of the House accepted the amendment, with a little adjustment.

SALE OF PUBLIC LANDS IN ALASKA

Mr. O'MAHONEY. Mr. President, I submit a conference report on House bill 2859, to authorize the sale of public lands in Alaska, and I ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. The report will be read for the information of the Senate.

The report was read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2859) to authorize the sale of public lands in Alaska, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses, as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

JOSEPH C. O'MAHONEY,
ERNEST W. MCFARLAND,
E. D. MILLIKIN,
GUY CORDON,
Managers on the Part of the Senate.

J. HARDIN PETERSON,
LLOYD M. BENTSEN, JR.,
FRED L. CRAWFORD,
Managers on the Part of the House.

The PRESIDENT pro tempore. Is there objection to the present consideration of the conference report?

Mr. WHERRY. Mr. President, reserving the right to object, will the distinguished Senator from Wyoming give us a brief statement regarding this matter?

Mr. O'MAHONEY. Yes. The bill authorizes the Secretary of the Interior to sell public lands in Alaska. When the bill came to the Senate, and was referred to the Committee on Interior and Insular Affairs, the committee felt that the proposed grant of authority was a little broader than should be made. So the committee rewrote the bill so as to limit the power to the sale of tracts not to exceed 160 acres in the aggregate. The House has accepted the Senate amendment.

Mr. WHERRY. I have no objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the report was considered and agreed to.

PREMIUM PAYMENTS IN PURCHASE OF CERTAIN GOVERNMENT ROYALTY OIL—CONFERENCE REPORT

Mr. O'MAHONEY. Mr. President, I submit a conference report on Senate bill 1647, to eliminate premium payments in the purchase of Government royalty oil under existing contracts, and I ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. The report will be read for the information of the Senate.

The report was read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1647) to eliminate premium payments in the purchase of Government royalty oil under existing contracts entered into pursuant to the act of July 13, 1946 (60 Stat. 533), having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of section 3 proposed to be stricken out by the Senate insert the following:

"SEC. 3. The Secretary of the Interior is hereby authorized under general rules and regulations to be prescribed by him to issue leases or permits for the exploration, development, and utilization of the mineral deposits, other than those subject to the provisions of the act of August 7, 1947 (61 Stat. 913), in those lands added to the Shasta National Forest by the act of March 19, 1948 (Public Law 449, 80th Cong.), which were acquired with funds of the United States or lands received in exchange therefor: *Provided*, That any permit or lease of such deposits in lands administered by the Secretary of Agriculture shall be issued only with his consent and subject to such conditions as he may prescribe to insure the adequate utilization of the lands for the purposes set forth in the act of March 19, 1948; and *Provided, further*, That all receipts derived from leases or permits issued under the authority of this act shall be paid into the same funds or accounts in the Treasury and shall be distributed in the same manner as prescribed for other receipts from the lands affected by the lease or permit, the intention of this provision being that this act shall not affect the distribution of receipts pursuant to legislation applicable to such lands."

And the Senate agree to the same.

JOSEPH C. O'MAHONEY,
ROBERT S. KERR,
GUY CORDON,
Managers on the Part of the Senate.

CLAIR ENGLE,
KEN REGAN,
FRANK A. BARRETT,
Managers on the Part of the House.

The PRESIDENT pro tempore. Is there objection to the present consideration of the conference report?

There being no objection, the report was considered and agreed to.

REORGANIZATION PLAN NO. 2, 1949—TRANSFERRING THE BUREAU OF EMPLOYMENT SECURITY

The Senate proceeded to consider the resolution (S. Res. 151) disapproving Reorganization Plan No. 2 of 1949.

Mr. WHERRY. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. WHERRY. Does not the unanimous-consent agreement include a provision that the time is to be apportioned equally between the proponents and the opponents of Senate Resolution 151?

The PRESIDENT pro tempore. That is correct.

Mr. WHERRY. May I inquire who is in charge of the division of the time?

The PRESIDENT pro tempore. The Senator from Arkansas [Mr. MCCLELLAN] is in charge of the time for those Senators who favor the resolution and the Senator from Minnesota [Mr. HUMPHREY] is in charge of the time for those who are opposed to the resolution.

Mr. HUMPHREY. I understand the debate is to be concluded in time to vote at 5 o'clock.

The PRESIDENT pro tempore. That is correct.

Mr. MCCLELLAN. Mr. President, I believe there will be 2½ hours at the disposal of each side.

The PRESIDENT pro tempore. The Senator is correct.

Mr. MCCLELLAN. I yield 30 minutes to the senior Senator from New York [Mr. IVES].

The PRESIDENT pro tempore. The Senator from New York is recognized for 30 minutes.

Mr. IVES. Mr. President, because I am speaking against time, and because the thought in my presentation is rather closely knit, I shall not yield for questions until the completion of my prepared address. Then, time permitting, I shall be very glad to yield to such questions as any Senator may desire to ask, and I hope that I may be able to answer any questions which may be propounded.

Mr. President, no question is likely ever to come before the Senate on which the pros and cons seem, at casual glance, to be so evenly matched as would appear to be the case in Reorganization Plan No. 2.

At the outset, it is recognized generally that the United States Employment Service and the Unemployment Insurance Service should be within the same agency of Government. Furthermore, it is recognized that at this particular time everything which can be done appropriately to strengthen and improve the status of the Department of Labor should be done.

It should be pointed out, however, that the recommendations of the Chief Executive contained in Reorganization Plan No. 2 do not constitute the complete transfer of agencies and functions to the Department of Labor as recommended by the Commission on Organization of the Executive Branch of the Government, commonly known as the Hoover Commission. In its report to the Congress the Commission recommended, in addition to the transfer of the Bureau of Employment Security—including the Bureau of Veterans' Reemployment Rights or the Veterans' Employment Service, as it is also termed, the merger of which with the Employment Service itself can be effected within the Federal

Security Agency and without the adoption of any reorganization plan—the transfer of the following agencies:

First. The Bureau of Employees' Compensation—from the Federal Security Agency.

Second. The Employees' Compensation Appeals Board—from the Federal Security Agency.

Third. The Selective Service System, including the appeals boards—independent.

Fourth. Enforcement of labor standards—from contracting departments and agencies.

Fifth. Determination of minimum wages for seamen—from the United States Maritime Commission.

Sixth. Prevailing wage research—centered in the Bureau of Labor Statistics.

Seventh. Certain components of the Division of Industrial Hygiene—from the Bureau of State Services of the Public Health Service in the Federal Security Agency.

With one exception, I agree with these seven recommendations of the Hoover Commission, none of which is included in Reorganization Plan No. 2. Reasons for them are briefly stated in the Commission's own language, as follows:

> There are cogent reasons why these agencies and functions should be transferred to the Department of Labor. They are more nearly related to the problems of labor than those with which they are now associated, and their transfer accords with the Commission's first report, which recommended that agencies be grouped according to their major purpose.

The exception I take to these seven recommendations is expressed in the dissent filed with that recommendation which would place the Selective Service System, including the appeals boards, within the Department of Labor.

It is to be noted, moreover, that in submitting Reorganization Plan No. 2, the Chief Executive not only failed to include a substantial portion of the Hoover Commission's recommendations pertaining to this plan, but he added new provisions not contained in the Commission's recommendations. The Commission did not recommend the abolition of the Veterans' Placement Service Board, but recommended the merger of the functions of the Veterans' Employment Service with the Employment Service of the Bureau of Employment Security, of which it is a part. Furthermore, the Commission made no recommendation concerning the Federal Advisory Council, which is incorporated in Reorganization Plan No. 2.

It seems to me most advisable in instances where only certain portions of a particular recommendation of the Hoover Commission's recommendations are proposed for adoption and others are ignored, that each one of those proposed should be carefully evaluated on its own merit. In this connection, it should be emphasized that on one other occasion the present Chief Executive proposed the transfer of the Employment Service and the Unemployment Insurance Service from the Federal Security Agency to the Department of Labor and the proposal was vetoed by the Congress.

In favor of Reorganization Plan No. 2 is an appealing array of arguments. Former President Hoover himself recommends it, and it constitutes a part of the over-all recommendations of the Hoover Commission, as I have already stated, pertaining to the transfer of agencies to the Department of Labor. The field of Employment Service, alone and of itself, would seem more properly to belong in the Department of Labor than in any other agency of Government; for in theory, at least, the Department of Labor, in fulfilling its statutory obligation to foster, promote, and develop the welfare of the wage earners of the United States and to advance their opportunities for profitable employment, would seem naturally to be the appropriate instrument of Government to administer the placement functions of the Employment Service.

On the other hand, it seems to me that right now the weight of argument favors retention of the Employment Service and the Unemployment Insurance Service in the Federal Security Agency. Reorganization Plan No. 2, as I have indicated, complies only in part with the recommendations of the Hoover Commission, and was not specifically recommended by the task force of that Commission which stated its position as follows:

> The nature of this issue regarding the proper location of the Federal agency administering the Employment Service and unemployment compensation precludes its settlement on a purely factual basis, and in the last analysis this judgment must be exercised by the duly elected representatives of the people.

There is just as good reason, moreover, for keeping the Unemployment Insurance Service in the Federal Security Agency as for placing the Employment Service in the Department of Labor. After all, unemployment insurance would seem to be most definitely a part of our over-all social-security system.

Unemployment insurance constitutes one feature of an almost completely integrated social-security program now lodged in the Federal Security Agency. This agency, which deals with the individual citizen as a human being, is interested in improving health and educational opportunities, and in furthering economic security. It would seem only natural, therefore, that all functions which concern the social welfare of our citizens as individual human beings properly belong in a single agency.

Collectively, and as related to employment, compensation in the event of unemployment, compensation during temporary disability due to accident or sickness, extended disability benefits if provided, old-age insurance, survivors benefits, and assistance for those not eligible for insurance benefits are inevitably closely related and provide in effect such economic security as is thus far available through the instrumentality of our Government. They form, moreover, component parts of what would be a single integrated program.

When we examine further into the issues in dispute in this matter, we can appreciate more fully the weight of the argument in behalf of the retention of the Unemployment Insurance Service in the Federal Security Agency for the time being at least. Unemployment insurance is not merely a system of tax collection and benefit distribution from the funds thus accumulated. It is, and has become more and more, an insurance system which it very properly should be in our free competitive enterprise economic structure.

This fact having been recognized 14 years age, what is known as experience rating was adopted as an important element in unemployment insurance. In brief, experience rating is that mechanism by which the rate of tax or contribution by employers is determined by the employers' record in maintaining stability of employment—the greater the stability, the lower the rate of contribution. This system of graduated tax or contribution consists primarily of a standard requirement of a 3-percent tax on pay rolls paid by employers, one-tenth of which is a fixed charge payable to the Federal Government for administrative purposes, the other nine-tenths of which may be reduced on the basis of experience with respect to unemployment or other factors bearing a direct relation to unemployment risk, as provided in section 1602 of the Internal Revenue Code.

Over the years, experience rating has been adopted in all 48 States of the Union. It has become an established policy in unemployment insurance. It has served as an incentive to employers to provide steady employment. Its use has demonstrated the justification for its existence, although it has become more and more evident that not all plans of experience rating are equally sound. Employers, with few exceptions, favor the principle of experience rating and have come to oppose any move on the part of Government which would seem to threaten its existence.

At the same time, organized labor has not appeared for the most part to favor any form of experience rating. I can appreciate labor's attitude in this connection, for I can well understand labor's apprehension. Labor fears in the first instance that careless operation of or inadequate provisions in any experience rating formula could jeopardize the solvency of unemployment insurance funds. Furthermore, labor feels that chances for liberalizing the benefit provisions in unemployment insurance are less with experience rating than without it. I cannot share labor's apprehension in this latter connection, for the amount and duration of benefits have been increasing rather than decreasing; but I do fully recognize the danger of fund-impairment where formulas or administration are inadequate or inefficient. I am constrained to observe, however, that placing the Unemployment Insurance Service in the Department of Labor can provide no greater assurance regarding the sanctity of the unemployment insurance funds.

Possibly because of these conditions Secretary Tobin has stated that the policy of the Labor Department with respect to the retention or abolition of the experience rating system has not been determined, and that he would not care to give a decision on this matter until—he has—studied the facts more fully. This attitude on the part is understandable, but it nevertheless appears to occasion considerable apprehension among

employers who, in spite of the fact that the Federal Security Agency has advocated the abolition of experience rating, would seem to prefer that the Unemployment Insurance Service remain in the latter agency. I assume that these employers feel that the Department of Labor might be more aggressive and might be able to exercise more influence upon the Congress than would the Federal Security Agency.

Be the situation as it may appear to be, a number of important facts remain which are incontrovertible where the proposed transfer of these two services to the Department of Labor is involved.

First. Rightly or wrongly, employers do fear the consequences of such a transfer. They seem to feel that the status of unemployment insurance itself, and especially experience rating, would be in jeopardy.

Second. Administrative interpretation, applicable to the term "other factors" in section 1602 of the Internal Revenue Code, could virtually eliminate experience rating, or the possibility of an experience rating plan worthy of the name, from nearly every State in the Union. While the law provides that experience rating systems or plans may be established according to general specifications, it leaves with the administrative agency the actual determination of the "factors" to be considered in the establishment of these systems. This broad latitude for interpretation which is thus given to the administrative agency, emphasized as it is by the vast number of regulations which already have been promulgated by the Federal Security Agency in dealing with the matter, indicates the power of determination which the law itself actually vests in the Administrator or the administering agency.

Third. Unemployment insurance, while created principally for the benefit and protection of employees, is of equal concern to management and ownership who constitute its chief contributors. It is the product of partnership between workers, management, and ownership, the primary purpose of which is to protect the workers through cooperative support by management and ownership. In effect and in reality, unemployment-insurance funds belong as much to management and ownership as to the workers themselves.

Fourth. A basic controversy is now taking place in the country with regard to the future status of unemployment insurance. Should it remain as it is, partly in the Federal Government and partly in the States? Should it be operated and administered exclusively by the Federal Government? Or should it be returned wholly to the States? Presumably some States with substantial unemployment-insurance funds would prefer to have this governmental service returned to them; presumably other States, whose funds may be impaired or depleted, would desire that it remain in status quo, or even be taken over entirely by the Federal Government. Thus far there seems to be no predominant opinion in this controversy.

Fifth. Rightly or wrongly, employers seem to feel also that, if the proposed transfer were to be made, the value of the Employment Service would be damaged, due to an ensuing lack of cooperation between the Department and employers where placement is concerned. They believe that in administering the Employment Service, the administrator or administering agency would assume even greater discretion and would be able to exercise even greater control in directing the State systems than would be the case in the matter of Unemployment Insurance. I do not join in or dispute the provocation for this attitude on the part of employers, but as witnesses at the hearing pointed out, the important fact is that the attitude exists and that it might constitute a detriment to the satisfactory functioning of the Employment Service.

Sixth. The placement function in the Employment Service primarily fulfills the purpose of the Department of Labor to advance opportunities for profitable employment, but the fact remains that private employers and not the Department of Labor must provide the employment and that, unless there is a cooperative attitude between employers and the Employment Service, this service cannot function effectively or successfully.

Seventh. Regardless of present dispute or controversy concerning alleged advantages or disadvantages in placing the Employment Service and the Unemployment Insurance Service in the Department of Labor, the indisputable fact stands out that the functioning of these services, located as they have been and are at the present time, appears to have occasioned no reasonable criticism concerning their administration by the Federal Security Agency, and the proposed change seems clearly to be advocated for the main purpose of increasing the functions and activities of the Department of Labor.

Eighth. Placing the Employment Service and the Unemployment Insurance Service in the Department of Labor would undoubtedly enhance the prestige of that Department, but failure thus to act would in no way jeopardize the existence of the Department itself. There may be those who would like to see the Department of Labor abolished, but I have never heard advocacy of such action by any Member of the Congress, and all of us know that any attempt to eliminate the Department of Labor would meet with overwhelming opposition in the Congress.

Ninth. Obvious indications are that the Department of Labor is not now prepared to undertake in full the administration of the Unemployment Insurance Service. Testimony by the Secretary of Labor reveals beyond question that the attitude of the Department toward the status of this particular agency of Government is very much in doubt.

Tenth. There is no indication that the proposed transfer of these services would be conducive in any way to economy in administration. To the contrary, there is evidence that the net cost of administration in such event would actually increase. Clearly, this proposed move cannot be construed as one which should be made in the name of economy.

There may be some who will dispute the accuracy of these 10 statements of fact as I see them to be, but I believe that these statements are substantially correct.

Last year I opposed an Executive order which would have accomplished the results which are sought in Reorganization Plan No. 2. I had felt that this question required further and more intensive study. It seemed to me that the Congress should await the recommendations of the Hoover Commission. I had hoped to be able to support these recommendations wholeheartedly. I have felt that it would be advisable ultimately to place the Employment Service and the Unemployment Insurance Service in the Department of Labor. I have hoped that when the time might arrive for making this transfer, the Department of Labor would be in a position properly to receive these two services and to supervise their functioning.

However, as I have stated, we now find that the Department of Labor, instead of being prepared to receive the Unemployment Insurance Service, contemplates a study of the whole question of unemployment insurance, presumably for the purpose of ascertaining what position the Department should take with respect to experience rating and perhaps with regard to the question of the complete federalization of unemployment insurance itself. In other words, the Department of Labor does not appear to be prepared to assume the responsibility entailed in this proposed transfer.

Moreover, as I have pointed out, Reorganization Plan No. 2 follows only in limited degree the Hoover Commission's recommendations. In fact, the Commission's task force, after careful analysis, appears to have reached no final conclusion beyond advising that "judgment must be exercised by the duly elected representatives of the people."

Furthermore, the Senate's rejection yesterday of Reorganization Plan No. 1 leaves the status of the Federal Security Agency substantially unchanged. And yet, as was indicated during the debate on plan No. 1 and by action already taken by the Senate Committee on Expenditures in the Executive Departments with respect to Senate bill 2060, there is every indication that the Federal Security Agency's status will be changed in a future year, perhaps relatively near at hand. Disapproval of the precise plan submitted by the Chief Executive does not mean at all that there is no general need or desire for reorientation where the welfare and health and education services of our Government are concerned. I feel sure that efforts in this direction will continue, and I feel equally sure that they will result finally in appropriate action of the type indicated.

In the meantime, because of the continuing status of the Federal Security Agency, and because of the presently apparent uncertainty on the part of those in charge of the Department of Labor, and because of the attitude of one of the

chief parties in interest, the employers, and withal, because no question of economy is involved, it would seem only sensible and in the best public interest to continue the United States Employment Service and the Unemployment Insurance Service in their present position in our governmental structure until the controverted issues shall have been satisfactorily resolved.

For these reasons, I shall vote in favor of Senate Resolution 151.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. IVES. I yield.

Mr. VANDENBERG. I have such profound respect for the Senator's views in this area of legislation that I desire to submit two questions to him for my information, first stating that I would do nothing to jeopardize merit rating under any circumstances in connection with unemployment compensation.

Will the Senator indicate to me to what extent State control is autonomous in respect to merit rating?

Mr. IVES. To the extent that any plan or system devised by any State is approved by the Federal Security Agency, as represented in this particular agency by the Social Security Board.

Mr. VANDENBERG. What could happen to any existing merit-rating system which has already been approved?

Mr. IVES. At the present time the Federal Security Agency permits several plans to which the State systems must conform. Were the existing policy or formula to be changed in any fundamental manner, presumably the States would have to conform in carrying out their functions where this policy is concerned.

Mr. VANDENBERG. That brings me to my other question. Could the Department of Labor possibly be any more hostile to merit rating than the Federal Security Agency has demonstrated itself to be?

Mr. IVES. I think probably the Federal Security Agency, in its attitude of opposition to experience rating, has gone as far as it can go. But I should like to bring out this point: we do not know what the position of the Department of Labor might be; we have no idea; but we do know that the Department of Labor's chief interest rests with the worker, as it should. We know that any viewpoint which might be expressed by the Department of Labor presumably would be in favor of the worker, as it should. That being the situation, I doubt that it could be hoped that the attitude of the Department of Labor would be any more favorable toward experience rating than that of the Federal Security Agency. As a matter of fact, I think the employers' attitude in this connection with regard to the Federal Security Agency is founded on the idea that, as nearly as may be possible, the Federal Security Agency itself is a neutral body. It may be prejudiced in this way or that way with regard to the work it is doing, but it is not tied in to any parent group which definitely has a prejudice under the law. That is why, as I see it, presumably a great number of employers are fearful about this possible change.

The PRESIDENT pro tempore. The time of the Senator from New York has expired.

Mr. McCLELLAN. I yield 10 minutes more to the Senator from New York.

Mr. VANDENBERG. Then, Mr. President, if the Senator will yield, I should like to ask a further question.

Mr. IVES. I yield.

Mr. VANDENBERG. Would the Senator concede that a reasonably persuasive argument could be made that we are actually rescuing merit rating when we take it from a nonhostile supervision and turn it over to an institution whose attitude is at least unknown?

Mr. IVES. No; I do not think that could very well be derived from the statement I have made in my presentation. I have thought considerably about that particular point. I think the unwillingness on the part of the Secretary of Labor—I do not like to bring personalities into these matters, but in this particular instance I think I must—to indicate his attitude with respect to experience rating, at the time of the hearing, shows that presumably he is not too favorably inclined. I say that advisedly. After all, he was not appointed Secretary of Labor yesterday. He has been there quite a number of months now. He knows something about labor statutes and labor law. From that experience he has at least some definite knowledge with regard to unemployment insurance and experience rating. If he did not derive it from that experience, he certainly should have derived it from his experience as Governor of the great Commonwealth of Massachusetts. It would really be impossible for any chief executive of any State of the Union within the past 10 or 12 years, at least, not to know what unemployment insurance is and what experience rating is, especially when, as I indicated, all States have experience rating at this time. Consequently, I could only construe his reluctance in that instance as indicating or presumably showing on his part a basic opposition to the idea of experience rating.

Mr. VANDENBERG. I thank the Senator for his very frank statement. I should like to say to him that all my inclinations would be to agree with his point of view respecting leaving the services where they are. I so voted in the Eightieth Congress as did the Senator from New York.

Against that, I find it necessary today to weigh the rival consideration that here is the first highly controversial reorganization plan under the Hoover reports, which, so far as it goes, is in harmony with the Hoover reports. I am sure the Senator from New York recognizes the difficulty encountered by one who wishes to be as loyal as humanly possible to the Hoover reports——

Mr. IVES. I so expressed myself.

Mr. VANDENBERG. Yes, as the Senator from New York himself has indicated—when we have to choose between an argument which is, since it is only an argument, necessarily not conclusive respecting the hazard to merit rating under the proposed change. We have to choose between that and a clear and distinct veto of the first controversial Hoover report which has come before us.

Mr. IVES. Let me answer in this way, because my process of mental effort probably travels somewhat along the lines followed by that of the distinguished Senator from Michigan. I wish to support these Hoover recommendations; but I tried to point out in my prepared statement that where there is a substantial deviation—even though what is presented, insofar as it goes, may constitute a part of the Hoover recommendations—it seems to me very definitely that, separately and of itself, the proposal should be examined on its own merits.

That is what I have done in this case. If all these other proposals had been incorporated in the plan, with the exception of putting Selective Service in the Department of Labor, I presume it very likely that I would favor the plan. Such an arrangement would provide an integrated set-up.

The plan before us is not integrated. It is piecemeal, only in part. Yesterday we rejected plan No. 1. That plan, even though it is not directly connected with the plan now before us, certainly has a very definite bearing where the Federal Security Agency is concerned.

In view of all that, it seems to me it would be just as well for us to delay, for the time being, until some of these differences of opinion and some of these doubts can be removed, so that we can know more definitely what we are doing in making these changes.

Mr. FLANDERS. Mr. President, I hope to get in my question before the hammer strikes.

Mr. IVES. I beg the Senator's pardon. I yield to him now.

Mr. FLANDERS. I should like to ask whether this plan will result in a possible economy, in that the Bureau of Labor Statistics can then take over more completely in this field, with the result that the compiling of the exceedingly important statistical material which comes from this agency or administration can be handled under the auspices of one administration, instead of two at the same time.

Mr. IVES. Very definitely, there is an economy in that respect, but very definitely there is an extravagance somewhere else. As the distinguished Senator from Vermont may recall, last year the Department of Labor, I think, closed 12 of its regional offices. The chances are that the greater portion of those offices would have to be reopened.

A year ago, when this same proposal was before us, some of us went to a considerable extent into the matter of expenditures or cost. My recollection is that, as nearly as we could ascertain, it would cost about $500,000 more to make the transfer that is proposed in this instance. Probably that is the gross figure; and probably, as has been indicated, savings of $150,000 or $200,000, or something approximating those figures could be made. I have conceded that it is neither plus nor minus, and I do not think the question of economy enters even remotely into this proposal.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. IVES. Certainly.

Mr. FERGUSON. The Senator has indicated that the State has the right to draw up a plan of compensation——

Mr. IVES. That is correct.

Mr. FERGUSON. And that it is then submitted to the Federal agency, which has the right to approve or disapprove.

Mr. IVES. That is true.

Mr. FERGUSON. Does that mean that the agency itself has the power now to change or alter the plan drawn up by the State?

Mr. IVES. Presumably, if some of the insurance funds encounter difficulties, as I think some of them will if we run into a serious condition of unemployment, we may find ourselves in a serious condition where the agency will have to change its plans and its set-up, as they are now established; and in this case, although in general the States presumably would not have to repeal their statutes, yet they probably would have to conform.

Mr. FERGUSON. Is there anything in the law which would require that?

Mr. IVES. No; there is nothing in the law, according to my recollection of it, which would force them to repeal those laws.

Mr. FERGUSON. Then, so far as the law at the present time is concerned, are we to understand that the State has an option in respect to controlling experience rating, and so forth?

Mr. IVES. The State has no option at all in controlling it. The State can only submit a plan which has been adopted by its own legislature, which must meet the terms of the statute, under section 1602—and I think, section 1601 of the Internal Revenue Code is also involved to some extent—and finally be approved by the Federal Security Agency.

In that connection I should like to point out that I have with me all or a substantial number of the regulations which have been worked out controlling this very thing. They have been worked out by the Federal Security Agency. They indicate the great latitude of interpretation which can be placed on the term "other factors in the law."

Mr. FERGUSON. The Agency in Washington then has a considerable control over the funds, and a considerable power to dictate how they shall be used in the State? Is that correct?

Mr. IVES. Very definitely.

Mr. DOUGLAS. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Illinois?

Mr. IVES. I yield.

Mr. DOUGLAS. Will the able Senator from New York State whether, once a plan has been adopted by a State, the Federal Security Agency has ever asked the State to change its plan?

Mr. IVES. No, not to my knowledge. I do not think it has ever been done. But in all probability, I may say to the distinguished Senator from Illinois, if a situation arises, as it might arise by changing the plans, States might be obliged, in the final analysis, to amend their plans. If a State plan is found to be going to pieces and it becomes necessary to revise the whole set-up, that might easily happen.

Mr. DOUGLAS. But, to date, no such change has ever been ordered; is that correct?

Mr. IVES. That is correct.

Mr. SPARKMAN. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Alabama?

Mr. IVES. I yield.

Mr. SPARKMAN. I wonder whether the Senator cares to comment on this: There seems to be a great deal of dissatisfaction with the idea of placing the agency in the Department of Labor; yet is it not true that when the act was originally passed, the agency was placed in the Department of Labor, and, as a matter of fact, over a major portion of the time it has been in operation it has been in the Department of Labor?

Mr. IVES. That is correct. What comment does the Senator want? I have a document which throws light upon the reason for the shift.

Mr. SPARKMAN. If the experience in the Department of Labor has been good thus far, why is a fear so often expressed in connection with placing it back in the Department?

Mr. IVES. Let me merely indicate in the first instance that only the United States Employment Service itself ever was in the Department of Labor. Unemployment Insurance itself never was a part of the Department of Labor. I think that will clear up the point the Senator has in mind. But I call attention to the message of the President of the United States, dated April 25, 1939, at which time he placed the proposal before the Congress regarding the question of the Federal Security Agency, the matter of social security generally, and, as I tried to indicate in my prepared remarks, the need for having all these agencies in one agency of the Government. He said:

> I find it necessary and desirable to group in a Federal security agency those agencies of the Government, the major purposes of which are to promote social and economic security, educational opportunity and the health of the citizens of the Nation.
>
> The agencies to be grouped are the Social Security Board, now an independent establishment; the United States Employment Service, now in the Department of Labor; the Office of Education, now in the Department of the Interior; the Public Health Service, now in the Treasury Department; the National Youth Administration, now in the Works Progress Administration; and the Civilian Conservation Corps, now an independent agency.

He then goes on with further reasons, which I shall not take the time of the Senate to read. What I have read indicates the purpose of an integrated set-up, and, as I indicated in my preliminary remarks, there is certainly just as strong a reason for having the Unemployment Insurance Service in the Social Security Agency as there is for having the Employment Service itself in the Department of Labor. Senators may take their choice. If it is desired to get down to brass tacks in argument, the question can be argued one way just as completely as the other.

Mr. MAGNUSON. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Washington?

Mr. IVES. I yield.

Mr. MAGNUSON. Perhaps I misunderstood the Senator from New York. I understood him to say, in answer to a question by the Senator from Michigan, the State must conform to the plan. Is that correct?

Mr. IVES. Absolutely; otherwise the State plan is not approved. I know something about that. I helped set it up in New York State. The Senator has probably had a similar experience. We submitted several plans before we finally got one that held water, because we were trying out something new.

Mr. MAGNUSON. But the reason for all the books which have been brought into the Chamber is the fact that the States took the initiative in submitting plans; is it not?

Mr. IVES. That is correct.

Mr. MAGNUSON. There is no particular rule of uniformity, but the plan, of course, must be approved, and that is why we have this stack of books; is it not? Would the reorganization plan change at all the existing system in that respect?

Mr. IVES. It may or it may not. It would depend.

Mr. MAGNUSON. Then are we not speaking of a fear of a different type of administration?

Mr. IVES. That is exactly what I was talking about in what I had to say. I did not say I shared the fear. I say the fear exists, and there is no way in the world by which we can eliminate it. Only experience can determine whether it is justified or otherwise.

Mr. MAGNUSON. But, using the same argument, we could just as well justify ourselves in saying that it may be improved through the change, could we not?

Mr. IVES. I am not trying to justify ourselves. I am trying to indicate some of the reasons why it is extremely doubtful at this particular time, when this thing is entirely in a process of flux, to make this particular change. If the Senator will recall correctly, I stated earlier in my prepared remarks that ultimately I think some kind of plan must be worked whereby the system can be placed in the Department of Labor. But I doubt exceedingly whether this is the time to do it.

Mr. MAGNUSON. I thank the Senator.

Mr. IVES. If there are no further questions, the Senator from New York thanks the distinguished Senator from Arkansas for allowing him so much time.

Mr. HUMPHREY. Mr. President, the report of the Committee on Expenditures in the Executive Departments and the able presentation by my good friend, the distinguished senior Senator from the State of New York, have, it seems to me, reduced Resolution No. 151 to two very basic issues. The first is whether the Department of Labor can administer the

Bureau of Employment Security impartially. The second is whether greater efficiency and economy can result from the transfer of the Bureau of Employment Security to the Department of Labor. Those are the same two issues that were pointed out by the Brooklyn Institution in its study.

I say these are two issues presented by the opponents of Reorganization Plan No. 2; but I do not believe, Mr. President, there are in fact two issues involved here. I believe there is only one issue, and even it is not the same as the one presented in the committee report. The one basic issue, to my mind, is whether greater efficiency and effectiveness can result from placing the Bureau of Employment Security in the Department of Labor. That is the one major issue.

The transfer proposed by Reorganization Plan No. 2 must first of all be viewed on its merits, consulting facts and not unfounded charges or imputations of prejudice. When the entire record before the committee is examined on this basis, Mr. President, I think the conclusion is inescapable that Reorganization Plan No. 2 is soundly supported by reason and logic and by orderly principles of Government organization. Charges of bias or prejudice on the part of the Department of Labor can then be seen as they really are.

We must look to see what the facts are. They indicate not any prejudice on the part of the Department, but that the charges are actually a reflection of bias existing in the minds of certain groups which have presented their feelings to the committee as a substitute for facts. In the same way, the charge that the Bureau of Employment Security will cost the Government more money when it operates as a part of the Department of Labor shows up on the record as wholly contrary to the uncontradicted evidence before the committee. I intend to address myself to the interrogation from the Senator from Vermont [Mr. FLANDERS] with reference to the use of statistical material and the possibility of any economies which may be effected by the reorganization.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I shall yield for a question. I desire to stay with my prepared text, and yield at the end of my remarks; but I shall be glad to yield now to the Senator from Massachusetts.

Mr. LODGE. In connection with the statement which the Senator has made as to economies to be achieved by Reorganization Plan No. 2, is it not correct that former President Hoover is on record in the hearings as saying, in response to a question, that he believed this transfer would result in economy?

Mr. HUMPHREY. He is on record to that effect.

Mr. President, I propose to review the entire record before the committee on Reorganization Plan No. 2, and from this record I intend to show the truth of every statement I have made concerning this plan.

In 1947 the Eighteth Congress enacted a law to create a Commission on Organization of the Executive Branch of the Government. To my mind, that is one of the finest pieces of legislation ever passed by the Eightieth Congress or by any other Congress. A preliminary purpose of this Commission was to make recommendations for consolidating services, activities, and functions of a similar nature of the executive branch.

The Hoover Commission, despite its popular name, was not a Republican commission, nor was it a Democratic commission. I think it is well to bring out that fact, since we are in the spirit of good-fellowship. It was a truly bipartisan Commission. As is well known, its Chairman was the Honorable Herbert Hoover, our distinguished elder statesman, and its membership was drawn from Members of the Congress in equal numbers from both sides of the aisle, as well as some outstanding citizens in public life.

Another interesting thing about this Commission, Mr. President, is the fact that it included two employers, two very distinguished men with experience in meeting pay rolls. But none of the members of the Commission represented employees or the ranks of organized labor.

I think it is particularly pertinent in the discussion of Reorganization Plan No. 2 that we make note of the fact that the Commission did have in its membership two distinguished gentlemen who were well-known employers, who had to meet pay rolls, who had to deal with the Employment Service, who were affected obviously by the tax for unemployment compensation, who were intimately acquainted, on the practical basis of business experience, with the Department of Labor and the Federal Security Agency; and the record is quite clear that those two employers, along with all their colleagues on the Hoover Commission, supported the transfer of the Bureau of Employment Security to the Department of Labor. I shall point out that this was one of the few recommendations with reference to the Department of Labor that was unanimous.

Mr. IVES. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. SPARKMAN in the chair). Does the Senator from Minnesota yield to the Senator from New York?

Mr. IVES. Would the Senator rather have me ask my question at the end of his remarks?

Mr. HUMPHREY. I would rather the Senator would wait until I complete my remarks, because I am sure there will be many questions Senators will want to ask.

The members of the Hoover Commission spent almost 2 years and almost $2,000,000 studying in detail the organization of the executive branch of the Government. To carry out the great responsibilities imposed upon it, the Commission selected 25 different task forces to make special studies and surveys of the various departments and activities of the Government. The Commission drafted into the service of the Nation some 350 outstanding citizens to serve on the task forces, in almost all cases without any compensation whatever. The Brookings Institution also assisted the Commission in making its study.

A few months ago the Hoover Commission made its report to the Congress. This report contained approximately 318 different recommendations and findings representing its collective good judgment and wisdom. One of the recommendations provided for the transfer of the Bureau of Employment Security from the Federal Security Agency to the Department of Labor. That recommendation was arrived at unanimously, with wholehearted support on the part of Republicans and Democrats. The Commission stated that it made this recommendation because the Bureau of Employment Security carried on activities closely related to the employment and labor functions of the Department of Labor and not closely related to the retirement and old-age-assistance or educational programs of the Federal Security Agency.

The recommendation was made after a very detailed analysis of the Department of Labor and the Federal Security Agency.

Both political parties have made pledge after pledge, year after year, in platform after platform, that they are going to strengthen the Department of Labor. I must say to my distinguished friend, the senior Senator from New York, that we cannot constantly keep making that promise and not do something about it. We cannot constantly say, "Now is not the time." On any issue we can always say that this is not the time; we can always say that we need more information; but, frankly, the information which could be obtained has already been obtained. I submit that when the Congress spends $2,000,000 to obtain information on the reorganization of the Government, when 350 prominent citizens are mustered into Government service, when 318 reports are made, when task forces are sent into the field and exhaustive studies are made, what more information do we need?

As I have said, the Commission stated that it made its recommendation as to the transfer of the Bureau of Employment Security from the Federal Security Agency to the Department of Labor because the Bureau of Employment Security carried on activities closely related to the employment and labor functions of the Department of Labor and not closely related to the retirement and old-age assistance or educational programs of the Federal Security Agency.

I think our colleagues would be interested in what goes on in the State of New York with reference to this matter. I have in my hand a copy of "Labor Laws and Their Administration and Discussion, Bulletin No. 107, Year 1949, of the United States Department of Labor, Bureau of Labor Standards." On page 118, reporting from a conference with Mr. Corsi, who is, I believe——

Mr. IVES. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. IVES. I should like to set the Senator straight on that. Mr. Corsi is the industrial commissioner of New York. I happen to know that Mr. Corsi

favors the plan we are discussing. I respect him very highly, and for him I have a very high regard, but I do not always agree with him.

Mr. HUMPHREY. I appreciate the comment of the distinguished Senator from New York. We do hold many men in high respect with what we do not agree. That is one of the enjoyable phases of American politics. However, I thought I would quote what I am about to read, because I was sure it would have some bearing on the question before us. Mr. Corsi, said:

> We in New York have stuck very consistently through the years, and certainly more so in recent years, to the idea that a State government must have under one roof all government activities pertaining to wage earners as wage earners. That doesn't mean only safety inspection or wages and hours; it means unemployment insurance, employment service, workmen's compensation, labor boards, mediation, and everything else.

It appears to me that this pattern has been pretty well established in most of the States, and I shall bring evidence for this a little later.

Neither the Hoover Commission nor its chairman, former President Hoover, nor anyone else, has claimed that the proposed transfer would sharply decrease the costs of government. In other words, we are not talking about saving billions of dollars by the sort of transfer proposed. The Commission and its chairman were, however, in agreement that the recommended transfer would necessarily increase the effectiveness and the efficiency of Government operations. This was the only claim, and that is why I state that the only issue before the Senate today is whether or not the Bureau of Employment Security can operate more effectively and efficiently in the Department of Labor.

I point out that this is the question which the Senator from Vermont [Mr. FLANDERS] placed before us, and propounded to the Senator from New York. I believe the question of the Senator from Vermont was along this line, "Is it not possible that there would be some increase in efficiency? Is it not possible that there might be some decrease in cost?"

Mr. IVES. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. IVES. I do not care to keep interrupting my distinguished colleague, but in view of the fact that the question was asked of me, I would point out that the Senator from Vermont was indicating a specific function, and asking whether there would not be some savings in that connection; and in that connection there would be.

Mr. HUMPHREY. The junior Senator from Minnesota merely desires to underwrite the very accurate observations of the Senator from Vermont, and to point out by facts, and by the report of the task force what they had to say.

I give my colleagues now references from the task force report on public welfare—appendix P—prepared for the Commission on Organization of the Executive Branch of the Government, January 1949, a paragraph entitled "Statistics of Employment." This is what the task force has to say:

> The separation of the Department of Labor from the present Federal Security Agency presents another difficulty with respect to statistics of employment, current, short-run, and long-run. The importance of these statistics under modern economic conditions is obvious. It can hardly be questioned that better and less costly statistics could be obtained if the Bureau of Labor Statistics, the Employment Service, unemployment compensation, and possibly old age and survivors insurance were in the same department. Then the head of that department could have a thorough study made of the whole problem, preferably in cooperation with the State agencies and with the assistance of the Statistical Standards Unit of the Budget Bureau, and recommend to Congress the arrangements best suited for an efficient and economical system.

Mr. President, I bring this to the attention of the Senate because the task force, which made a close examination, not only says it would be more efficient, but it also frankly says that it would be less costly, and would provide a coordinated type of statistical research.

Immediately after the Reorganization Act of 1949 became effective last June, the President sent to the Congress on June 20, 1949, some seven plans for the purpose of carrying out as many of the recommendations of the Hoover Commission as possible during the present session of the Congress. I believe the President pointed to the fact that 60 days of almost continuous session would be required before the plans could come into effect, and since the Legislative Reorganization Act points toward adjournment at the end of July very little time, it seemed to the President, remained for putting the recommendations into effect this year. Here is the reason, and I believe the only reason, why more plans have not been submitted to the Congress. There is no indication whatsoever that the President disagrees with other recommendations of the Hoover Commission, or that he does not intend to carry out the other recommendations as soon as circumstances permit.

Mr. President, Reorganization Plan No. 2 clearly carries out the recommendation of the Hoover Commission. It not only transfers the Bureau of Employment Security to the Department of Labor but also enables the complete merger of the Veterans Employment Service with the United States Employment Service under the Bureau of Employment Security. I wish to emphasize this point.

Mr. IVES. Mr. President, will the Senator yield?

Mr. HUMPHREY. Let me complete this statement, and we may discuss it at the end of my remarks, because I think my explanation may convince even the Senator from New York.

Mr. IVES. The Senator from New York merely desired to say to the Senator that what he has just suggested can be done now.

Mr. HUMPHREY. The junior Senator from Minnesota was about to make the observation that it can be done under the reorganization plan.

Mr. President, I wish to emphasize that the plan would enable the complete merger of the Veterans' Employment Service with the United States Employment Service under the Bureau of Employment Security. I wish to emphasize this point, Mr. President, because the committee report seems to imply that the plan fails to provide for this merger.

I should like to make my position quite clear. I say the committee report seems to imply that the plan fails to provide for this merger. This implication is, of course, contrary to the provisions of the plan, and I quote from section 1 of the plan, as follows:

> The functions transferred by the provisions of this section shall be performed by the Secretary of Labor or, subject to his direction and control, by such officers, agencies, and employees of the Department of Labor as he shall designate.

Under this provision of the plan it should be perfectly clear to all Senators that the Secretary of Labor has the power to carry out the merger recommended by the Hoover Commission, a merger which both the senior Senator from New York (Mr. IVES) and the junior Senator from Minnesota would agree can be made, and it surely can be made under Reorganization Plan No. 2. All the Secretary of Labor has to do is to place the administration of the Veterans Placement Service in the same officers and employees of the Bureau of Employment Security who administer the United States Employment Service. In this way the recommendations of the Commission will be carried out in full.

The report of the Senate committee also seems to imply that the reorganization plan goes way beyond the Hoover Commission in abolishing the Veterans' Placement Service Board. It must be understood, however, that the merger recommended by the Hoover Commission, that is, of the Veterans' Placement Service with the United States Employment Service, could not in any way be accomplished unless this Board is also abolished. The Veterans' Placement Service Board is now under the chairmanship of the Administrator of the Veterans' Administration and is composed of various executive officers of the Government, including the Secretary of Labor. This Board has the statutory duty to formulate policies for administering the Veterans' Employment Service. This Board is entirely outside of the United States Employment Service and the Bureau of Employment Security. Under these circumstances no complete merger would be possible unless the policy-making functions of the Board were to vest in the same officers of the Government who shape the policies for the Bureau of Employment Security and the United States Employment Service. Under the plan this officer would be the Secretary of Labor, and, therefore, the only way in which the Hoover Commission recommendations may be carried out is by vesting this policy-making function of the Veterans' Placement Service Board in the Secretary of Labor. Such a step would be taken by Reorganization Plan No. 2, thereby hoeing the line to the exact pattern established by the Hoover Commission.

The committee report again seems to imply that Reorganization Plan No. 2 should have included seven additional recommendations for strengthening the Department of Labor. I have previously mentioned that. These recommendations, however, involve not only the Federal Security Agency but at least a dozen other Government agencies and involve issues which are for the most part totally unrelated to the transfer of the Bureau of Employment Security. As I have stated, Mr. President, the President has submitted to the Congress only those issues which the Congress could be reasonably expected to dispose of in the limited time available.

There is no reason to believe that the President has any other intention than to carry out these further recommendations as soon as time will permit.

The Senate committee gave a full opportunity for all individuals and all groups to present their views concerning Reorganization Plan No. 2. As other distinguished Senators who are members of the committee will affirm, there were several days of hearings, many written and oral statements presented to the committee, and a host of telegrams and letters, both for and against the plan. I have gone over most of the record, in fact I would say I have gone over once the entire record of the hearings before the committee, and I am convinced that the evidence strongly supports the position taken by the Hoover Commission.

There was a doubt in the mind of the senior Senator from New York whether unemployment compensation was directly related to the Department of Labor's activities. The junior Senator from Minnesota would like to say that the Employment Service surely belongs in the Department of Labor. The work of the Employment Service is to secure jobs for unemployed. The Unemployment Compensation System is a system set up to alleviate strains, difficulties, and poverty during periods of unemployment. We in America are not working under a system whereby we would attempt to see how many people we could keep on unemployment compensation. The job of the Department of Labor and the job of the Government is not to see how many persons can be kept on a $20-a-week unemployment compensation, but to see how many persons can be kept at work in productive employment.

Furthermore, it should be noted that unemployment-compensation beneficiaries, that is, those who receive the compensation, must be listed with the Employment Service, and there is a direct relationship between the Employment Service activities, which helps to find jobs for the unemployed, and the Unemployment Compensation System's activities, which furnishes some means of sustenance during a period of unemployment while a man is seeking a job.

In preparing the minority report, the junior Senator from Minnesota brought out what the Hoover Commission had to say in reference to the Unemployment Compensation Service and the Employment Service being brought together. I should like to read from page 3 of the minority views on Reorganization Plan No. 2 of 1949. I read as follows:

> The Hoover Commission stated that there were cogent reasons why this agency and certain other agencies and functions "should be transferred to the Department of Labor. They are more nearly related to the problems of labor than those with which they are now associated, and their transfer accords with the Commission's first report which recommended that agencies be grouped according to their major purpose."
>
> More specifically as to the reasons for recommending the transfer of the Bureau of Employment Security to the Department of Labor the Hoover Commission stated:
>
> "It is now generally agreed by both Federal and State officials that it is desirable to integrate fiscal and administrative review of the two State programs under the supervision of the same Federal department. The placement operations are the primary objectives of this dual arrangement. The paying of unemployment-compensation claims is a temporary expedient until the eligible worker can be brought back into the productive labor force."

What the Hoover Commission was pointing out so well, was that no matter what we do with the Bureau of Employment Security, the Unemployment Compensation Service and the Employment Service aspects must be transferred together.

The Senate committee, as I have stated, gave all individuals and all groups a full opportunity to present their views concerning Reorganization Plan No. 2. Perhaps the most outstanding fact presented to the committee is the steady increasing of unemployment facing the Nation today. I am one of those who believe that any sound step which this Congress can take to remedy or alleviate the plight of the unemployed should be taken without delay. Now the testimony was clear, Mr. President, that the primary function of the Bureau of Employment Security is to administer funds for maintaining a Nation-wide system for getting jobs for workers. This business of paying cash benefits for unemployment and supervising the use of funds for this purpose is secondary at best. We all know that the emphasis must be on finding the job for the worker. The primary objective of the Government is to obtain jobs. When we do this we reduce the amount which the employers and the public will have to pay as unemployment compensation. We also help the worker because cash benefits, although they may be necessary, are nevertheless a very poor makeshift for the earnings from a steady job.

What agency of the Government, Mr. President, is most concerned with opportunities for employment. Certainly it is not the Federal Security Agency. That agency primarily deals with the welfare of individuals as such. That agency tries to improve the education of our children. It promotes the health of all our people. It is concerned with the cause and cure or control of cancer. It tries to improve or accomplish methods of taking care of babies and growing children. It tries to prevent poisonous foods and dangerous drugs from injuring the public. It aids in the care of the mentally ill. It gives the States the money to take care of the blind, the aged, and dependent or crippled children. It provides pensions for old people who can no longer work.

None of these functions of the Federal Security Agency has any direct relationship to getting jobs for workers. None of these functions bears any direct relation to working people as wage earners in the great labor force of the Nation. Both the Hoover Commission and the Brookings Institution came to this sound conclusion, and the testimony before the committee supports them. The Hoover Commission said that the Bureau of Employment Security is primarily concerned with getting jobs for workers, and therefore should be placed in the Department of Labor, which is the primary agency of the Government dealing with labor problems and with promoting opportunities for profitable employment.

Let me refer to the experience in the respective States, lest some think we are blazing a new trail, or charging off on some uncharted course. This is from the report of the task force of the Hoover Commission, in reference to this type of integrated agency, where unemployment compensation and employment-service activities are carried on in one agency. The Hoover Commission task force has this to say:

> In the States, the employment security agency is not located in the State welfare, health, or education department, but is either located in the State industrial commission or labor department (15 States), in a department with other labor functions (6 States), or in an independent employment security or unemployment compensation commission (30 States). The States thus either consider employment security as an employment function requiring coordination with other such functions, or give it a separate status. They do not merge it with public assistance, health, or education.

The task force making this particular investigation found that throughout the States, the laboratories of our democracy where the Federal-assistance programs are carried out, the pattern of arrangement is not to have the Bureau of Employment Security with a health, welfare, and education agency such as the Federal Security Agency, but to put it into the labor department of the State or the industrial commission of the State, or a separate compensation division or board. I think that should have some controlling effect upon our thinking as to the soundness of approach of the Hoover Commission.

Let me refer to what the Department of Labor would do. The Department of Labor possesses the necessary specialists, the wealth of information on occupations, on employment trends, on wage rates, on working conditions, on labor legislation, and on other matters essential to employment counseling and placement. In this day and age the Employment Service is not merely a matter of registering for a job. In this day and age of specialization, skilled and semiskilled workers, professional workers and semiprofessional workers, in this day and age of mass production, when people do a particular type of specified,

detailed assignment, the Employment Service activity is a highly specialized activity. It requires facts, figures, and statistical analysis. It requires aptitude testing and job placement. The Labor Department of this Government is equipped by experience, tradition, and practice to perform these essential services.

The various bureaus and functions of the Department of Labor were shown by the testimony to be interdependent with the Bureau of Employment Security. The Bureau of Labor Statistics and the United States Employment Service, for example, must work closely together. The local employment office provides the Bureau with the necessary facts on industrial and occupational opportunities, on characteristics of unemployment, on hiring practices, and on labor-market conditions.

Let me digress for a moment. Here is the Bureau of Labor Statistics, under the supervision of the Secretary of Labor. I ask any person in America to what Bureau the average American citizen, the good, God-fearing, decent American citizen who has no special ax to grind, looks for facts? What Bureau of this Government do the consumers of America look to to find out about the cost of living? What Bureau in the Government is General Motors willing to rely upon in establishing a basis for wage rates with the United Automobile Workers? What Bureau of the Government has been able to command the respect of employers, consumers, and everyone else in this Nation? The Bureau of Labor Statistics, under the direct supervision of the Department of Labor.

There is not one iota of evidence to reveal that there has ever been prejudice or bias in the Bureau of Labor Statistics or in the Employment Service when it was under the Department of Labor.

It is an old Anglo-Saxon principle of law which seems to be forgotten these days that a man is innocent until he is proved guilty. All too often around Washington one is guilty until he proves himself innocent. I do not think it is time to start legislating on the basis that someone is going to be guilty merely because someone says he might be, and make the poor fellow come forward and say, "I am not guilty. Let me prove my innocence." God forbid. Anglo-Saxon law is based upon the concept of a man's innocence; and if you want to prove something on him, you had better prove it, and not merely guess about it, or indulge in rumor-mongering. I think that principle could be very well adopted throughout the Government.

That is the Christian, democratic principle that a man is innocent until he is proved guilty. It seems to me that it would be a good idea to assume that the Secretary of Labor, in view of tradition, experience, practice, and record, is going to be impartial, unbiased, honorable, and decent in administering the Bureau of Employment Security with a sense of integrity and public service in the greatest democracy in the world.

Mr. President, that was not in the script. It has been on my mind for a long time.

As I have said, the local employment office provides the Bureau of Labor Statistics with the necessary facts on industrial and occupational opportunities, on characteristics of unemployment, on hiring practices, and on labor-market conditions. This interrelationship which now exists between the Bureau of Labor Statistics and the Bureau of Employment Security is one which even the blind can see. The Bureau of Employment Security cannot be operated without the activities of the Labor Department, unless we wish to establish another set of bureaucrats. Without this interrelationship, we would have to establish another separate agency to gather its own information.

What we are trying to do is to integrate, coordinate, eliminate duplication, and eliminate waste. This is one of the soundest proposals we have had in the process of Government operation.

The same interrelationship exists with respect to the other bureaus of the Department of Labor, including the Bureau of Apprentice Training. Apprentice training has something to do with employment opportunities and the work force. The same interrelationship exists with respect to the Women's Bureau, the Wage and Hour Division, and the Bureau of Veterans' Reemployment Rights. They are all under the Department of Labor. It seems to me that there is no logical argument why the Employment Service and the Unemployment Compensation Service ought not to be where they justly belong.

I do not desire at this time to go into all the ramifications of these interrelationships, enjoyable as it would be. I believe that these questions are quite thoroughly covered in the minority views which I have presented for the observation and study of the Senate. In my opinion the record before the committee overwhelmingly supports the existence of this close relationship, and I doubt that even those who are opposed to the plan will deny its very real existence.

One would think, Mr. President, that the simple logic of placing the Bureau of Employment Security in the Department of Labor would have made some impression upon the committee and on the Senate. Here we have the Brookings Institution saying in fact that the Bureau is closely related to the functions of the Department of Labor and we have the Hoover Commission not only saying the same thing but also recommending the transfer. In addition to that we have virtually uncontradicted testimony to the same effect before the committee but in spite of all this, concludes that the facts offer no assurances of increased efficiency. I merely wish to point out that ex-President Hoover gave these assurances personally to the committee, as the Senator from Massachusetts [Mr. LODGE] so well stated. Ex-President Hoover said:

> I have the faith that this Bureau placed in the Department of Labor and associated with men who are familiar with the problems of labor, will get more economical handling than it will be as a sort of an orphan in the social security, where there are other and much more dominant activities.

I also wish to quote something else ex-President Hoover said about the relationship of these programs to the Federal Security Agency:

> I do not believe that the grants-in-aid feature of agencies creates special affinity on which to set up organization plans. I do not see any more reason why we should any more confine the agency under discussion to the Federal Security Agency because it is a grant-in-aid than that we should put the highways in the Security Agency because they also are grants-in-aid. In other words, the theory that all the grants-in-aid programs ought to be brought together seems to me to be a feeble basis for administrative organization of the Government.

The Senate committee had the assurances of the President of the United States, the Secretary of Labor, the Administrator of the Federal Security Agency, the Director of the Bureau of Employment Security, who will administer this program in the Department of Labor, and other leading citizens, both inside the Government and in private life. In view of these facts and these assurances, I can hardly believe, Mr. President, that the committee can claim that the record offers no assurances of increased efficiency. These facts clearly contradict any such conclusion of the committee. It seems to me that all this evidence which shows the close coordination that will be possible between the Bureau of Employment Security and the other bureaus of the Labor Department, enabling a close day-to-day working relationship, points unmistakably toward more efficient and more effective use out of every dollar invested both in the Bureau of Employment Security and in the other bureaus now in the Department of Labor.

In spite of all this, however, the committee report expresses the opinion that increased cost would result from the transfer. Mr. President, it seems to me that all we are doing here is picking up a bureau of the Government and moving it bodily from one agency to another. The Bureau will operate with the same appropriations and will carry out the same functions which it now discharges. It will be administered by the same Director and through the use of the same personnel. Under these circumstances, and without any facts in support of the contrary proposition, I fail to see how any reasonable man can contend that it will cost more to operate the Bureau of Employment Security under the Department of Labor than it would where it is now situated, particularly when we can thereby consolidate statistical research. The opponents of this plan seem to base their contention of increased costs upon the need of establishing new field offices, once the transfer is made. The evidence before the committee, however, was to the effect that the Federal Security Agency has 12 offices in the field and the Department of Labor has 12 offices in the field. In every case except one, these offices are in identical cities. Since the personal relationship to the Bureau of Employment Security operations would be transferred under the plan, there seems to be no basis for claiming an increase in the cost of field

operations. The argument presented by the opponents of the plan seems to boil down to an expression of opinion that the whole plan should be tossed aside by the Senate because it might require the Department of Labor to establish one field office in the same city in which the Federal Security Agency now maintains that field office. Upon this basis alone, the opponents seem to feel that the recommendations of the Hoover Commission should be ignored. I can think of no weaker reason, Mr. President, for scuttling a worthy recommendation.

Let us be frank concerning the objections raised to this transfer. These objections cannot be based upon the issues of efficiency or effectiveness or economy in the Government. These objections are wholly based upon a vague and unsubstantiated fear that the Department of Labor would administer the Bureau of Employment Security solely in the interests of workers, and would be prejudiced against the interest of employers. Mr. President, I repeat that I share no such view. Herbert Hoover, Chairman of the Commission, does not share that view. He equally discounts this element of prejudice. I quote from Mr. Hoover's testimony:

I do not think any reasonable employer would have prejudice on that account.

Mr. Hoover was speaking of the transfer of the Agency. Then he said:

In any event, I do not see any differences which will arise in the administration of a bureau wherever it is. I do not believe that an employer ought to have any less confidence in the objectivity of the Labor Department than the Federal Security Agency. If there is such criticism the employer ought to realize that these bureaus placed in the Labor Department will be the more vivid searchlight of public opinion than if in the Federal Security Agency, whose major purposes are not related to the subject.

He went on to say:

I do not believe that the Labor Department is a prejudiced Department advocating one aspect of American life any more than the Department of Commerce. We have to believe that the departments of the Government are going to act on behalf of all the citizens of the country, and that the searchlight of public opinion and the action of Congress will keep them on that track. Certainly I do not like to see a poor administrative structure just because of prejudice.

I reviewed the entire record before the committee, and I can assure the Senate that not one case of bias or prejudice on the part of the Department of Labor in the administration of its various statutory duties was brought before the committee. On the other hand, the Secretary of Labor fully assured the committee that the Bureau of Employment Security will be operated in the Department of Labor in the same impartial manner as it now operates, and by the same impartial personnel, including the present Director, Mr. Goodwin, who now operates it.

While I am on this point, I wish to call attention to one factor of this plan which will give added assurance of impartiality, if such assurance is needed. The Federal Advisory Council, created by the Wagner-Peyser Act to advise as to the employment service, would, under the plan, also advise with respect to all the activities of the Bureau of Employment Security. This Council has the statutory job of fluctuating policies and directing problems relating to employment and insuring impartiality, neutrality, and freedom from influence in the solution of such problems. The Council is composed of 35 men and women, representing employers and employees in equal numbers, and also representing the public. Many of the members of the Council are leading citizens of the United States. The Secretary of Labor stated to the committee that he will use this Council actively when he is shaping his policies on the employment service and in employment compensation functions. I am sure, Mr. President, that the Federal Advisory Council in the Department of Labor, operating as it would be required to do under this plan, should lay at rest these vague fears of partiality on the part of the Department.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the list of members of the Federal Advisory Council, with their proper titles.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

MEMBERS OF THE FEDERAL ADVISORY COUNCIL

PUBLIC REPRESENTATIVES

Dr. William Haber, professor of economics, University of Michigan, Ann Arbor, Mich., Chairman of the Council.

Mr. John J. Corson, circulation director, Washington Post, Washington, D. C.

Mrs. Saidie Orr Dunbar, past president, Federated Women's Clubs, Portland, Oreg.

Dr. Merle E. Frampton, principal, New York Institute for the Education of the Blind, New York City.

Mr. Fred K. Hoehler, executive director, Community Fund of Chicago, Inc., Chicago, Ill.

Mrs. Henry A. Ingraham, former president, national board, YWCA, Brooklyn, N. Y.

Mr. Roscoe C. Martin, bureau of public administration, University of Alabama, University, Ala.

Mr. Ira D. Reid, professor, Haverford College, Haverford, Pa.

Mrs. Anna M. Rosenberg, New York City.

Mr. Max F. Baer, national director, B'nai B'rith Vocational Service Bureau, Washington, D. C.

Dr. Sumner Slichter, professor of economics, Harvard University, Cambridge, Mass.

Dr. Edwin E. Witte, department of economics, University of Wisconsin, Madison, Wis.

MANAGEMENT REPRESENTATIVES

Miss Bess Bloodworth, vice president, the Namm Store, Brooklyn, N. Y.

Mr. Prentiss L. Coonley, business consultant, Washington, D. C.

Mr. John Lovett, general manager, Michigan Manufacturers' Association, Detroit, Mich.

Mr. George Mead, president, the Mead Corp., Dayton, Ohio.

Mr. H. S. Vance, chairman of the board, Studebaker Corp., South Bend, Ind.

Mr. Frank De Vyver, Duke University, Durham, N. C.

Mr. Marion Folsom, treasurer, Eastman Kodak Co., Rochester, N. Y.

Note: At the moment there are two vacancies.

LABOR REPRESENTATIVES

Mr. John Brophy, director, industrial union councils, Congress of Industrial Organizations, Washington, D. C.

Mr. Harry Boyer, president, Pennsylvania Industrial Union Council, Harrisburg, Pa.

Mr. Nelson H. Cruikshank, director, social insurance activities, American Federation of Labor, Washington, D. C.

Mr. James L. McDevitt, president, Pennsylvania Federation of Labor, Harrisburg, Pa.

Mr. H. L. Mitchell, president, National Farm Labor Union, American Federation of Labor, Washington, D. C.

Mr. Paul Sifton, national legislative representative, UAW, Congress of Industrial Organizations, Washington, D. C.

Mrs. Katherine Ellickson, assistant director of research, Congress of Industrial Organizations, Washington, D. C.

Mr. James Brownlow, secretary-treasurer of the metal trades department, AFL, Washington, D. C.

Mr. Joseph M. Rourke, secretary-treasurer, Connecticut State Federation of Labor, Bridgeport, Conn.

VETERANS REPRESENTATIVES

Mr. Robert S. Allen, author, member of American Veterans' Committee, Washington, D. C.

Mr. Lawrence J. Fenlon, chairman, national economic commission, American Legion, Chicago, Ill.

Mr. Omar B. Ketchum, director, national legislative service, Veterans of Foreign Wars, Washington, D. C.

Mr. Millard W. Rice, executive secretary, Disabled American Veterans' Service Foundation, Washington, D. C.

Mr. Edgar Corry, Jr., past national commander, American Veterans of World War II, Washington, D. C.

Mr. HUMPHREY. Mr. President, there is one other point which this argument of partiality completely ignores. It is this: The authority of the Secretary of Labor stems from many different statutes in various fields of activity. For example, he administers the Davis-Bacon Act, the Walsh-Healey Public Contracts Act, the child-labor provisions of the Fair Labor Standards Act, the various statutory provisions creating the Women's Bureau and the Bureau of Labor Statistics, the Veterans' Reemployment Rights defined in the Selective Service Act of 1940, and the Federal Apprenticeship Act. Under all these statutes, the Secretary of Labor must do what the statutes provide. If the Secretary is given responsibility for the Bureau of Employment Security, he must act in accordance with the laws governing that bureau. These laws are the Wagner-Peyser Act, the Social Security Act, and the Federal Unemployment Tax Act. These statutes give the Secretary very little discretion. Under them, his main function is to approve the use of Federal funds for administering State laws. The standards for approving or disapproving a particular State plan for receiving Federal funds are spelled out in the statute itself. These standards, and these standards alone, must guide the Secretary in formulating policies and making determinations with respect to granting assistance to the States.

Mr. President, I am very sorry that at this time the distinguished senior Senator from Michigan [Mr. VANDENBERG] is not in the Chamber, because he asked about the matter of partiality and asked about the authority of the Secretary of Labor and what he could do, for example, with experience-rating systems. I shall point that out. It is crystal clear that the Secretary of Labor must operate

under statutory law. So long as State laws and State operations meet the specific standards prescribed by the Federal law and are approved by the Secretary, Federal aid must be granted to the States.

The Federal law, for example, specifically leaves to the States the question of paying unemployment benefits to strikers. That is in the law. On this point the Secretary of Labor would have no discretion whatever.

Another example arises with respect to the experience-rating system. This is the vital issue. The experience-rating system is a problem which was particularly considered by the business organizations as they testified before the committee. The Federal law is designed to encourage experience-rating systems under State unemployment-compensation laws.

This is how it works. The Federal Unemployment Tax Act provides for a 3-percent tax on employers' pay rolls. All except three-tenths of 1 percent of this tax may be offset by payments made by employers to the State under the State law. In other words, 2.7 percent of this tax can be paid to the State. Three-tenths of 1 percent must go to the National Government for purposes of administration.

In addition the Federal law provides that, even though the payments under the State law do not amount to the total of 2.7 percent, nevertheless the employer shall be allowed credits with respect to a reduced rate permitted by the State law on an experience-rating basis. In other words, the tax can be reduced on an experience-rating basis. The Federal law spells this out clearly. It has definite standards which the State experience-rating system must meet, and when these standards are met, the additional credits must be allowed within the range between zero percent and 2.7 percent. That is left to the States. It is a problem for the State legislatures.

I wish to point out that neither the Federal Security Agency nor the Department of Labor may change the experience-rating system. Neither can legally abolish it. The Congress has written the law, and the Congress alone may change or abolish this protection.

In the minority views, at page 10, we have this to say:

> With regard to experience rating, the testimony was abundantly clear that, for all practical purposes, the State officials can read the provisions of the Federal statute, submit a plan for experience rating, complying with the standards of the statute and that plan must be approved. For example, the Federal Unemployment Tax Act provides for a 3-percent tax on employers' pay rolls. All except three-tenths of 1 percent of this tax may be offset by payments made by the employer under the State law. The Federal law in addition provides that the employer shall be allowed credits with respect to a reduced rate permitted by State law on an experience-rating basis. This is for the purpose of encouraging the experience-rating system. The Federal law spells out clearly defined standards which the experience-rating system must meet. When these standards are met additional credits must be allowed within the range between zero percent and 2.7 percent.
>
> Under the above circumstances it is apparent that no administrative agency can legally abolish the experience-rating system or prevent any State from adopting such a system. The protection for the system has been written by the Congress into the law. Congress alone may change or abolish this protection. Neither the Federal Security Agency nor the Department of Labor may do so.

I am happy to see the Senator to whom I referred returning to the Senate Chamber, and I am going to burden the few loyal colleagues who have remained with me during the discussion to bring this to the attention of the distinguished Senator from Michigan. I am discussing the matter of experience rating, about which the distinguished Senator inquired, and I am sure he is deeply concerned about it. I was pointing out how it operates. I pointed out that the Federal law was designed to encourage the experience-rating system under State unemployment-compensation laws. I pointed out that the Federal Unemployment Tax Act provides for a 3 percent tax on pay rolls, only three-tenths of 1 percent of which goes to the Federal Government, while 2.7 percent can be collected by the State. I pointed out that the State can adjust the tax with employers, on the basis of experience rating. I then went on to point out, from the testimony given before the committee, that neither the Federal Security Agency nor the Department of Labor can change the experience-rating system. Neither can legally abolish it. The Congress has written this into the law, and the Congress alone may change or abolish it. I further stated that the conditions for State compliance with the Federal law are specifically clear-cut under the law. The Secretary of Labor would have very little to say. But I may point out that under the existing system the Federal Security Agency does not approve the experience-rating system. There is no doubt about that. They think the experience-rating systems ought to be abolished.

How about the present Secretary of Labor? What is his record as Governor of Massachusetts? His record as Governor of Massachusetts was not in any way to vitiate the experience-rating system, but to improve it, or at least to defend it. I am sure the distinguished Senator from Massachusetts [Mr. LODGE] will say Massachusetts has a good experience-rating system of unemployment compensation. I think we shall find at least a friendly Secretary of Labor in the present incumbent of that office. But I may say we cannot judge legislation by personalities. Those of us who run for office know how we come and go. Generally, too, those who have been appointed to office know a little about coming and going. What we must think about is whether this is good, sound administrative procedure. It is my judgment it is good, sound administrative procedure.

Mr. LONG. Mr. President, will the Senator yield?

The PRESIDING OFICER. Does the Senator from Minnesota yield to the Senator from Louisiana?

Mr. HUMPHREY. I yield.

Mr. LONG. If concern is evidenced about the experience rating system, would it not be a better idea, rather than hold up a good reorganization plan merely because of the experience rating system, to go ahead, pass a law, and make it clear that any good experience rating system a State wants to put into effect will have to be approved?

Mr. HUMPHREY. I think that is a very good and valid comment.

Mr. IVES. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. IVES. In reply to the statement of the Senator from Louisiana [Mr. LONG], I think the Senator is familiar with the provision in section 1602 of the Internal Revenue Code, subsection 1, which reads as follows:

> No reduced rate of contributions to a pooled fund or to a partially pooled account, is permitted to a person (or group of persons) having individuals in his (or their) employ except on the basis of his (or their) experience with respect to the unemployment or other factors bearing a direct relation to unemployment risk during not less than the three consecutive years immediately preceding the computation date.

In that connection, I should like to ask the able Senator from Minnesota if he does not believe, in the light of that provision in the law which quite obviously leaves full discretion with the administering agency in regard to the interpretation of the act itself and the formulation of plans under the act, that it would be possible for the administering agency to create a formula whereby experience rating as such would virtually cease to exist, insofar as any State of the Union is concerned, which might be operating under it?

Mr. HUMPHREY. No, I do not. I make the observation that I do not, because the law points out quite specifically, at least, one standard which we have to have for an experience rating, namely, the matter of tax reduction, and——

Mr. IVES. The Senator from New York understands that. Those are basic requirements of the law. Then comes this discretion.

Mr. HUMPHREY. "Or other factors."

Mr. IVES. The Senator from New York further understands that insofar as the States themselves are concerned, no State law can be changed by any act of the Congress itself, or certainly by any administrative act, so far as the Administrator is concerned. But here is the catch. Is it not true that in spite of any State law, in spite of any plan which might have been previously formulated and agreed to on the part of the administering agency, a change in plan or in formula which might be established by the administering agency through action by the administering agency in withholding funds—I am now talking about administrative funds—would, in effect, have the result of forcing this, that, or the other State to change its statute if it were to be able to continue the unemployment insurance experience ratings?

Mr. HUMPHREY. I may say in answer to the distinguished senior Senator from New York that what he is posing as a problem could happen to anyone who is the head of an agency. It could happen in the Federal Security Agency.

Mr. IVES. The Senator from New York is not arguing it; he is simply asking the question.

Mr. HUMPHREY. It is the considered judgment of the Senator from Minnesota that if the law pertaining to the experience-rating system is such that it can be tampered with, we should rewrite the law. But this is not the place in which to rewrite it.

Mr. IVES. The Senator from New York points to the regulations.

Mr. HUMPHREY. Those are the regulations of the Federal Security Agency, the very agency which the Senator from New York wants to have establish an experience-rating program. Apparently the senior Senator from New York thinks the way to preserve the experience-rating program is to have administer it the Agency which has already announced that it does not believe in it.

Mr. IVES. Mr. President, will the Senator further yield?

Mr. HUMPHREY. I yield.

Mr. IVES. In that connection, the Senator from New York would like to point out to the Senator from Minnesota that he is not advocating the extension of unemployment insurance in the Federal Security Agency because the Agency does not believe in it, but he would like to ask the Senator from Minnesota if he knows of any instance in which the Federal Security Agency, up to this time, has done anything to destroy any plan of unemployment-insurance rating as established in a State?

Mr. HUMPHREY. I surely do not. Therefore, I may say to my distinguished friend from New York, let us cease worrying. Here is something which the Agency announced it does not like, but yet it has not done anything to destroy it.

Mr. IVES. There happen to be many thousands of employers in the Nation who are worrying about it.

Mr. HUMPHREY. There are some persons who are never so happy as when they are unhappy. There are other persons who enjoy worrying. They conjure up more ghosts and more bogeymen in an hour than a dog can acquire fleas. They have all kinds of problems on their minds. It is impossible for the Senate of the United States to set at rest all the worries of the "ulcer" groups in this country. Some people are bent on having ulcers and dyspepsia. I do not know of anything as a remedy except Bisodol, or something of that nature.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. DOUGLAS. In view of the fact that the distinguished and able Senator from New York does not share the fears that the Labor Department would be biased, and which instead he merely expressed and passed on to this body, would it not be the judgment of the junior Senator from Minnesota that the great talents of the senior Senator from New York would be better devoted to removing these false fears on the part of employers, rather than merely passing them on to the Senate, and seeking to influence this body by giving them circulation.

Mr. HUMPHREY. I pay a tribute to my esteemed and devoted friend, the junior Senator from Illinois, for his timely observations which always come to my rescue.

Mr. IVES. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. IVES. The Senator from New York would merely like to state that that is one of the chief reasons why the Senator from New York feels that delay should be had at this time so some of us can do the job of removing these fears which exist and getting the differences reconciled and straightened out.

Mr. HUMPHREY. I should like to make the observation that when the Senator talks of delay, I know it is foreign to his character. He is a man of ideals, and he is one who likes to go ahead and get things done. This is like performing a necessary operation which has been recommended by the finest diagnosticians of America. Here is a political surgery job which needs to be done. Dr. Hoover and his staff have looked over the patient. There have been relatives pacing up and down, waiting outside for the diagnosis to be reported. The symptoms have been found, and the head surgeon comes in and says to the family of 150,000,000 Americans, "There seems to be, at long last, something we have found in political medicine that is able to receive unanimous agreement. Every surgeon we have, the two employer surgeons, the Republican surgeons, the Democratic surgeons, the chairman and the co-chairman, all agree that there is an operation which needs to be performed. What is the operation? It is that the Federal Security Agency must lose the Bureau of Employment Security, and that Bureau must go to the Department of Labor. There does not seem to be any doubt that if the operation is performed the patient will survive—not only survive, but he may be even happier." Surely he will not be any more unhappy, and his relatives will not be any more unhappy. So I say to the distinguished Senator from New York, let us not worry about these necessary appendectomies and tonsillectomies.

Mr. IVES. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. IVES. The Senator from New York appreciates very gratefully the tribute paid to him by the distinguished Senator from Minnesota some moments ago, and he tried to express his feeling at that time. However, the Senator from New York would like to point out that, be all of those things as they may or may not be, the fact remains that the Senator from New York has always felt that discretion is the better part of valor.

Mr. HUMPHREY. I should like to concur in that statement. But at a time when there is something necessary to be done, and those who have been called in—and, by the way, called in by the advice and counsel of the Senator from New York; I am sure he voted for it and I am sure he feels as I feel about it, that there is something of such great importance that the matter of partisan politics is set aside—let us go ahead on what the Commission has recommended.

Mr. President, now I wish to conclude, because I have taken more time than I had intended. I wish to summarize by saying that along with this charge of bias on the part of the Department of Labor comes the threat that employers will lose confidence in the Employment Service if it is placed in the Department of Labor. Here, again, there were absolutely no facts to support this serious charge. On the other hand, we have a full record of confidence on the part of employers in both present and prior operation of the Department of Labor. I wish to give the Senate some idea of the scope to which employers now use the Department. One hundred and ten thousand establishments now report employment and pay-roll information each month to the Bureau of Labor Statistics. Between 14,000 and 15,000 retail establishments now report to that Bureau items for inclusion in the Consumers Price Index. Ten thousand establishments are cooperating this year in giving the Bureau of Labor Statistics the information necessary for occupational wage-rate surveys by industry and by community.

I wish to point out that much of this information is confidential in nature. If it were released by the Department of Labor to unions or to competitors, the employers would immediately lose confidence in the Department of Labor and the statistics of the Department would become valueless. Yet ever since the creation of the Department, these statistics have been kept in strictest confidence by the Secretary of Labor and his subordinates.

The Secretary of Labor testified befor the committee that more than 40,000 employers have cooperated with the Department of Labor in establishing more than 40,000 apprentice programs for approximately 250,000 apprentices under training. Is this, Mr. President, evidence of lack of confidence by employers in the Department of Labor?

By the way, that is a wonderful program. I think it deserves a word of tribute. I have watched it in my own State, and it is one of the most marvelous programs I ever hope to witness in the field of what I call practical vocational education.

The most telling facts on this matter of confidence in the Department of Labor are disclosed by the record of the United States Employment Service when it was in the Department of Labor. The official records of the Employment Service show that during the years 1945–48, when that Service was in the Department, employers used the Government placement facilities more than at any other peacetime year since the Wagner-Peyser Act was enacted in 1933. From 1945 to 1948 we did not need an employment service

in order to find people jobs. The employers had dragnets out in front of every door, and if one had even as much as a spark of life left in him, he was pretty sure to get work.

I speak with some intimate familiarity with the Employment Service, and perhaps some sentimentality. I helped develop the program for aptitude testing and vocational training in the Employment Service. I helped perfect programs of placement and job placement, and employer and employee relationships, in the Employment Service. I know that the businessmen of our community had confidence in the ability of the Employment Service to perform its task. The only thing which has destroyed that confidence has been the action of Congress in shifting the Service around here, yonder, and every other place. Let us put it back where it belongs—in the Department of Labor.

When the proposal was made in 1947 to place the Employment Service permanently in the Department of Labor not one employer objected to this plan. I might add here, Mr. President, that the Employment Service was administered in the Department of Labor by Mr. Goodwin, who now is Director of the Bureau of Employment Security, and who will continue to be the Director after the Bureau is transferred to the Department of Labor. Even witnesses who opposed this plan before the committee admitted frankly that Mr. Goodwin administered the Bureau with complete impartiality.

Now, I have stated all of the facts in the record before the committee. I believe that these facts fully support Reorganization Plan No. 2. I believe furthermore, Mr. President, that these facts knock into a cocked hat any claim that the Bureau of Employment Security would not be more effective or more efficient in the Department of Labor. These facts do not present any basis whatsoever for claiming that increased costs would follow this transfer. Above all, Mr. President, the record before the committee should dispel for good this unfounded fear of partiality or bias on the part of the Department of Labor.

I call upon the Senate, in the exercise of its wise and prudent judgment, to concur in Reorganization Plan No. 2, to reject Resolution 151, and to say to the American people that we are going ahead with the Hoover Commission recommendations for reorganization of the executive branch of the Government.

Mr. DOUGLAS. Mr. President——

The PRESIDING OFFICER (Mr. KEFAUVER in the chair). Does the Senator from Minnesota yield to the Senator from Illinois?

Mr. HUMPHREY. I am more than happy to yield.

Mr. DOUGLAS. What is the attitude of the two great veterans' organizations concerning Resolution Plan No. 2?

Mr. HUMPHREY. The Veterans of Foreign Wars and the American Legion, through their respective legislative counsel, testified in behalf of Reorganization Plan No. 2.

Mr. DOUGLAS. So that both the Legion and the Veterans of Foreign Wars are in favor of the plan?

Mr. HUMPHREY. That is correct.

Mr. IVES. Mr. President, will the Senator yield on that point?

Mr. HUMPHREY. I yield to the Senator from New York.

Mr. IVES. The Senator from New York would like to inquire of the able Senator from Minnesota if he does not recall that the chief reason why the two great veterans' organizations favor Reorganization Plan No. 2 is because of the merger which is contemplated under it of the Veterans' Employment Service and the Employment Service itself in the Department of Labor, or in one agency of the Government. In that connection the Senator from New York would also like to ask the Senator from Minnesota if he does not realize, as I know he does, that that merger can be effected now, insofar as those two subagencies are concerned, without any Reorganization Plan No. 2.

Mr. HUMPHREY. It is true that the veterans' representatives were primarily concerned with the matter of the Veterans' Placement Service, and also the Advisory Board. However, I think it should be crystal clear that the Reorganization Act of 1949 does permit this regrouping without any legal difficulties, and there is a special public law setting up the Veterans' Placement Service, and there is special law and regulation setting up the Advisory Board. For them to be consolidated and coordinated without too much difficulty, Reorganization Plan No. 2 would be needed.

Mr. IVES. The Senator understands, does he not, that that can be done, nevertheless, without legislation?

Mr. HUMPHREY. I am not sure of that. I would not want to deny it. I am not trying to duck the issue. If later in the discussion we can get together on this, I shall be glad to look into it. I am not informed on that matter.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield to the Senator from Illinois.

Mr. DOUGLAS. Did the Senator from Minnesota receive large numbers of letters from business groups in his State, as many of us did from our States, demanding that we put into effect immediately the recommendations of the Hoover Commission?

Mr. HUMPHREY. Yes, indeed; I received hundreds of them.

Mr. DOUGLAS. Did those letters please the Senator from Minnesota, as they did the junior Senator from Illinois, as indicating an interest on the part of business groups in behalf of efficiency and economy in our Government?

Mr. HUMPHREY. I would say that the junior Senator from Minnesota was highly pleased, because he was for the Hoover Commission recommendations.

Mr. DOUGLAS. The letters demanded speedy action by us upon the detailed recommendations of the Hoover Commission, did they not?

Mr. HUMPHREY. That is correct.

Mr. DOUGLAS. Has the Senator from Minnesota been impressed with the fact that suddenly many of the same groups who only a few weeks ago were demanding that we take affirmative action upon the recommendations of the Hoover Commission are now writing demanding that these recommendations of the Hoover Commission be rejected?

Mr. HUMPHREY. I have been very much impressed, and let me say a bit confused, and at times disappointed, because of that. I have in my office letters from organizations in my own State and in other areas which have besought me as one individual to support, down the line, the Hoover Commission recommendations. They say, "Do not take out your pet project, Senator. Be careful now how you line up." And all at once we get a couple of reorganization plans, and particularly Reorganization Plan No. 2, and now we find that that plan simply should not be approved.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. DOUGLAS. In other words many of the same groups which a short time ago demanded that the Hoover recommendations be put into effect en bloc are now all demanding that this particular recommendation of the Hoover Commission be not enacted.

Mr. IVES. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. GRAHAM in the chair). Does the Senator from Minnesota yield to the Senator from New York?

Mr. HUMPHREY. I yield.

Mr. IVES. The Senator from New York cannot let the statement just made go by without an observation and a question.

Mr. HUMPHREY. I yield for a question.

Mr. IVES. The Senator from New York would like to ask the Senator from Minnesota if he does not recognize that when the petitions, the recommendations, the appeals came in from civic organizations and businessmen and others, those who made the appeals were talking about the Hoover recommendations themselves as integrated entities. They were not talking about isolated matters that might be collected together. They were not talking about partial plans. They were talking about the over-all recommendations made by the Hoover Commission, were they not? So when Reorganization Plan No. 1 was sent to Congress, since it is a plan which did not follow the Hoover Commission's proposals, and when Reorganization Plan No. 2 came to Congress, since it is a plan which follows only in slight degree the Hoover reorganizational proposals, the Senator from New York would like to ask the Senator from Minnesota if he does not recognize that there is a vast difference between the position taken in the first instance by these groups and the position taken now with respect to these particular reorganization plans?

Mr. HUMPHREY. Mr. President, I assume from the Senator's observation and question that he is satisfied that what actually happened was that the American people were for the Hoover Commission and its activities?

Mr. IVES. And recommendations.

Mr. HUMPHREY. On the broad general basis.

Mr. IVES. That is correct.

Mr. HUMPHREY. I am also assuming, from the Senator's statement, that he believes the people in my neighborhood, in my home city of Minneapolis and State of Minnesota did not know about the reports of the task force, did not know about the reports of the Hoover Commission, for example, respecting the Federal Security Agency or the Department of Labor. When the Senator makes that sort of observation he is dead wrong, because the people who have been writing to me have done so in detail concerning the Hoover Commission reports. They have written to me as though they were experts in this field. In fact, some of the men who wrote me from my State were on the task force in the field.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. LODGE. I should like to suggest this thought to the able Senator from Minnesota. Let us admit that we would prefer it if the first and second steps were proposed in one package. But if that is not done, should not we nevertheless support the first step? Then the responsibility is squarely on the Executive if he does not give us the second step. But if we have turned down the first step, then we have clearly put ourselves in the wrong, it seems to me, and have made it clear that we do not favor the Hoover Commission report, simply because we can get it all in our own way. I ask the Senator from Minnesota if it is not better to get a little bit—half a loaf is better than none—and if we do not follow the precept of half a loaf being better than none do we not put ourselves hopelessly in the wrong?

Mr. HUMPHREY. I commend the Senator from Massachusetts for that observation. The Senator has really tied it all up in one paragraph, and has said exactly what needs to be said. To be sure, I think both the Senator from Massachusetts and I would like to see more of the recommendations which the Hoover Commission made contained in the reorganization plans. As a matter of fact, I was a little disappointed; I thought the President could have gone further. But he did not.

Mr. President, I believe in automobile transportation.

Mr. IVES. Mr. President, will the Senator yield?

Mr. HUMPHREY. I should like to complete the observation I began to make. I should like to have the privilege of having a Cadillac. I believe in automobile transportation. And because I believe in automobile transportation I would not say that I will not drive in a second-hand Ford automobile simply because of the fact that I cannot have a new Cadillac.

Mr. President, we believe in reorganization. We would like to have real reorganization. We know, however, that in 1949 we cannot secure all the reorganization we want. We would like to go further than we are going. But we should not say that we will not take a step forward simply because we cannot go the whole way now. If we took such a position, that would not make any sense. Let us take this forward step, and then say to the President, "We do not want to render lip service only to the reorganizations proposed by the Hoover Commission. Let us get busy and get it all done."

Mr. IVES and Mr. DOUGLAS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Minnesota yield, and if so, to whom?

Mr. HUMPHREY. I yield first to the Senator from New York. He previously asked me to yield to him.

Mr. IVES. The Senator from New York appreciates the fact that the Senator has yielded to him. The Senator from New York, however, does not quite follow the analogy of the Senator from Minnesota in talking about a Ford and a Cadillac. It seems to me that if we wanted a real analogy with what is now proposed, so far as Reorganization Plan No. 2 is concerned, we might better compare it with lemonade made simply of lemon and water, without any sugar. I believe many of our people feel that all they are getting under this plan is a lemon.

Mr. HUMPHREY. Mr. President, we must be extremely careful as to remarks and observations made respecting various analogies. What I was trying to point out was that we are endeavoring to secure a little part of the whole program that may eventually be presented. I believe we should make an honest effort to take forward steps as quickly as we can.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. DOUGLAS. Did not the Senator from Massachusetts make a very important point when he implied that if we approve this plan it will give the Executive the courage to go ahead and propose certain further fundamental plans, whereas if we turn this plan down it will be a virtual signal to him that he cannot get anything through Congress?

Mr. HUMPHREY. That is correct.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. LODGE. Will the Senator from Minnesota, as a medical expert, permit me to ask whether it is not true that the juice of a lemon is valuable in preventing scurvy, and the fact that the body politic takes in a little of that, without the sugar, can nevertheless advance the cause; and is not that what the Senator from Minnesota would describe as a placebo?

Mr. HUMPHREY. I may say to the Senator from Massachusetts that my association with the healing art was strictly on the basis of dispensing, not prescribing. Lest I be guilty of any infraction of the rules relating to the healing art, I shall stay only within that field relating to dispensing. But I can make the layman's observation that the lemon juice which the distinguished Senator from New York is talking about is exactly what the Government needs to sort of pucker it up a little bit. Lemon juice at least contains a little of vitamin C which will put a little more life into the activities of government and a little more efficiency as well.

I think it would be a good thing to permit the Senator from Minnesota to desist from any further discussion of Reorganization Plan No. 2. Others of my colleagues desire to discuss it.

Mr. IVES. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. IVES. The Senator from Minnesota would not want to let this particular part of the discussion be dropped at this point with the idea that in this instance we are dealing with scurvy?

Mr. HUMPHREY. I wish to make the statement that the observation in question was made by the distinguished Senator from Massachusetts [Mr. LODGE]. It was simply an analogy, or a symbolic observation. To be sure, inefficiency, waste, duplication, and the kind of things which the Hoover Commission was trying to avoid and eliminate, are political scurvy. I am willing to go along with the distinguished Senator from Massachusetts and say that if we have not the courage to enact the Hoover Commission recommendations when there is so little controversy about them as there is with respect to this one, which is unanimously supported, we are willing to underwrite the kind of political scurvy which comes from waste, inefficiency, duplication, and all the other things that go with it.

Mr. IVES. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. IVES. So long as we have built up the idea of scurvy to a glorified position, the Senator from New York would very much like to ask the Senator from Minnesota if he does not remember that at no time during the hearings did anyone in high authority, either the Secretary of Labor or anyone else who came before the committee, insist or promise, or even hazard a guess that this plan would insure economy or reduce cost. The best we could get out of them was that they thought we might get more efficiency. Nowhere did we find that there was going to be any reduction in actual cost of operation.

Mr. HUMPHREY. Former President Hoover said that we would bring about some economy.

Mr. IVES. He said that we should.

Mr. HUMPHREY. He said that we could and would.

Mr. IVES. He said that we should.

Mr. HUMPHREY. I point out also that the Brookings Institution and the task force said that we could. The Senator from New York may say, "Will you?" I cannot tell the Senator. After all, I think the Secretary of Labor is to be commended for not promising more than he was sure he could deliver.

Mr. IVES. I am not criticizing the Secretary of Labor. I have a very high regard for him.

Mr. HUMPHREY. I am sure that we should both end on that note. We both have a high regard for the Secretary of Labor. I want to say to my good friend, a very able and experienced legislator, as well as administrator, that I am sure he and I both have the same objectives in mind. I have talked with the Senator from New York privately on this

subject. I know that his effort is constructive. I know that he wants to have these recommendations put into effect. It is for the Senate to decide whether or not it should be done now, or whether we need more information.

Personally I think we have sufficient information to make this preliminary move. If it is the judgment of the Senate that we should abide by the evaluation and analysis of the Senator from New York, I am sure that he and I will join at a later date in seeing that this job is done with dispatch and with care. I think the time is now at hand. As has been said, it is a little later than some of us think.

Mr. LANGER. Mr. President, will the Senator yield for a question?

Mr. HUMPHREY. I yield.

Mr. LANGER. Was there any testimony in the hearings that if we adopted the various plans there would be a saving of $3,000,000,000 a year?

Mr. HUMPHREY. I must say that so far as I personally know there have been statements to the effect that there could be savings of that amount. I know of no one who has said that there actually would be such savings. It is my personal opinion that if the Commission's recommendations were adopted, we could make substantial savings.

Mr. LODGE. Mr. President, will the Senator yield for one further question?

Mr. HUMPHREY. I yield.

Mr. LODGE. Did not Mr. Hoover say in the hearings categorically that enactment of this plan would lead to savings? He did not mention a specific amount.

Mr. HUMPHREY. Is the Senator referring to Reorganization Plan No. 2?

Mr. LODGE. Yes.

Mr. HUMPHREY. He categorically stated that it could and would lead to savings.

Mr. President, I shall now take my seat.

Mr. DONNELL. Mr. President, I have listened with much interest to the concluding portion of the address of the Senator from Minnesota. I am sure that I should have listened with equal interest to the earlier portion, but I was not in the Chamber during much of it.

I share with him the great admiration which he has so eloquently expressed for Mr. Hoover and for the Hoover Commission. I am pleased to note the eulogy which the distinguished Senator has given to a former President of the United States who happens to belong to a different political party than that to which the Senator from Minnesota adheres.

I do not in any sense indicate by my opposition—and it will be opposition—to Reorganization Plan No. 2 any lack of appreciation of the fine public service which has been rendered to our Nation by this Commission. However, I feel that the United States Senate is, after all, a body which has some responsibility upon its own shoulders. Therefore, it does not seem to me that merely because a plan shall have been approved—even if approved in toto—by the Hoover Commission, it necessarily follows that the United States Senate, without consideration, without debate, and without argument, should adopt the findings of that Commission.

Mr. President, I was one who was in great doubt as to the advisability of the Congress delegating to the President of the United States the powers of reorganization which enable the President to submit to Congress virtual legislation—yes, in some instances action which I think repeals or may repeal positive statutes of the United States, letting the recommendations of the President become law unless Congress shall, within a limited time, exercise the power of veto over what the President has done. As some Members of the Senate may possibly recall, I expressed myself on two different occasions in the past few years with respect to this question. On two different occasions I presented some views designed to indicate what I thought was the unconstitutionality of the delegation, as I considered it, of legislative power. I pointed out to the Senate at that time, as Senators, of course, realize, that in the report of the Judiciary Committee itself, from which legislation of the type of the Reorganization Act of 1949 emanated in earlier years, the committee itself, time and time again in its report, referred to what was being done as a delegation of legislative power.

I still have very grave doubt as to whether Congress has it within its power to delegate one shred of legislative power to either of the other branches of our Government. I appreciate, of course, that Congress has it within its power to turn over ministerial or administrative duties, to lay down a broad statute and prescribe standards, and leave it to somebody, some officer or series of officers, to determine whether or not a particular action proposed comes within the standards.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. WILEY. I wonder if the distinguished Senator is aware of the fact that when the present Chief Justice of the United States was a Member of the House of Representatives he took exactly the position the Senator has taken, and that a very learned debate took place on the floor of the House in which he took the position that the delegation of power, or the attempt to delegate power to the President to reorganize the departments, was in direct contravention of the Constitution.

Mr. DONNELL. I did not know that; and I am very greatly interested by the information conveyed to me at this moment by the Senator from Wisconsin.

Mr. President, I was about to say that after having presented on two different occasions as well as I could views to the effect that legislation of the type of the Reorganization Act of 1949 constituted an unconstitutional, void delegation of legislative power, and having been defeated by the vote of the Senate upon that question, I finally came to the conclusion that perhaps there are some instances—and I have no doubt there are very many—in which I am wrong and the other man is right. Consequently, while I do not recall whether there was a record vote upon the final passage of the Reorganization Act of 1949, I may say that in pursuance of the thought that the Senate having itself determined—indeed the Congress having determined—that in its judgment it is constitutional to pass such an act, I came to the conclusion that I should either vote for, or certainly should not object to, the Reorganization Act of 1949. I do not recall whether there was a record vote upon the final passage of that measure, but certainly I was not opposed to it.

These thoughts with respect to the constitutionality or absence of constitutionality of legislation of the type of the Reorganization Act of 1949 come to my mind by reason of the discussion of the past few minutes. They come to my mind in view of the point which seems to be so vigorously urged and so strongly argued, to the effect that, the Hoover Commission having taken a particular position, it devolves upon us as Members of Congress to vote favorably to its recommendations. I do not know whether or not there has been a distinct statement to the effect that we should be bound—I assume no one would make that statement—by the recommendations of the Commission. But certainly the point was vigorously made since I returned to the Chamber a few minutes ago, by the Senator from Minnesota. It leads to the reasonable inference that unless there is something grossly wrong with the Hoover Commission report we should act as a rubber stamp to enact its recommendations.

As I indicated at the outset, I yield to no one in admiration for the distinguished Chairman, Mr. Hoover. Nor do I yield to anyone in admiration of the work which has been done by this Commission. Nor do I yield to anyone in my expectation that many of the recommendations of the Hoover Commission will be put into effect by the Congress. But, after all, the Hoover Commission is but an arm of Congress. It has made its recommendations to the Congress; and its devolves upon every Member of the Senate and every Member of the House, as I see it, to consider whether or not those recommendations are sound, and to use his own judgment in making his final vote upon such recommendations.

Reorganization Plan No. 2, which is proposed to us at this time by the President of the United States, provides that the Bureau of Employment Security, which includes both the United States Employment Service and the Unemployment Insurance Service, shall be transferred to the Department of Labor. The reorganization plan has several other points to which I shall make reference only by way of enumeration, for my discussion this afternoon will be confined to the proposed transfer to the Department of Labor of the Bureau of Employment Security, including the two services I have mentioned, the United States Employment Service and the Unemployment Insurance Service. The other features of the plan are that the Veterans Placement Service Board is proposed to be transferred to the Secretary of Labor, and the Federal Advisory Council, which was established pursuant to the act of

June 6, 1933, is proposed to be transferred to the Department of Labor. In addition, there is the final section regarding the transfer to the Department of Labor, for use in connection with the functions transferred by the provisions of this plan, of various personnel, property, records, balances of appropriations, and so forth.

Mr. President, as I have said, I shall speak first on the question of whether it is advisable to have transferred to the Department of Labor the two services included in the Bureau of Employment Security and enumerated in the President's reorganization plan, namely, the United States Employment Service and the Unemployment Insurance Service. Unless some other point arises which I think it desirable to discuss, I shall confine my statement strictly to the proposed transfer of these two Services.

Where have these two Services resided during their history? I should like to establish two parallel columns in the minds of Senators, and place in one column the development of the United States Employment Service, and in the other column the development of the Unemployment Insurance Service. I see now in the Chamber at least three Members of the Senate, friends of mine, who, in recent years, have been governors of their States, and I know they have very clearly in mind the general functions of those two Services, and their general relationship. Doubtless the other Members of the Senate also do, but the three Senators I have mentioned do so particularly because of their close contact with those Services.

I shall first say a few words in regard to where the United States Employment Service has been during its history. It was created by the Wagner-Peyser Act of June 6, 1933, and by that act was established in the Department of Labor. Six years thereafter, Reorganization Plan No. 1 was promulgated by President Franklin D. Roosevelt. It became effective on July 1, 1939, and transferred the United States Employment Service from the Department of Labor—although it had been in that department for slightly over 6 years—to the Federal Security Agency.

I digress at this point to dwell on the significance of the fact that after the experience of more than 6 years of the United States Employment Service, the President and the Congress deemed it advisable to take that Service away from the Department of Labor, in which it is proposed to be placed by the reorganization plan now before the Senate, and place it in the Federal Security Agency.

Mr. THYE. Mr. President, will the Senator yield?

Mr. DONNELL. I yield.

Mr. THYE. Can the Senator explain why it was transferred?

Mr. DONNELL. I shall come to that in a moment. I shall state what the President of the United States had to say about it.

Mr. President, after the State employment services were taken over by the Federal Government—and every Senator who formerly was a governor will remember when that occurred and will remember the problems which arose, doubtless, in the minds of so many governors as to whether it was proper to transfer State services to the Federal Government—the United States Employment Service was transferred from the Federal Security Agency to the War Manpower Commission, by Executive order of September 17, 1942. Of course it is obvious that it was of the highest importance, the country then being engaged in war, that activities of this type should have been consolidated in the War Manpower Commission.

On September 19, 1945, when the War Manpower Commission was abolished, the Service was returned to the Department of Labor, by Executive Order 9617. Then, Mr. President, effective July 1, 1948, the Service was transferred by Congress, under Public Law 646 to the Federal Security Agency. My recollection is that notwithstanding the fact that congressional action was effective July 1, 1948, in that respect, this Service would automatically have been retransferred to the Federal Security Agency 6 months after the conclusion of the war, I think, under the terms of the War Powers Act. My memory in that respect may be inaccurate. However, it is certain that by the act effective July 1, 1948, Public Law 646, the United States Employment Service was transferred to the Federal Security Agency.

In the other imaginary column which I have mentally drawn up is the history of the Unemployment Insurance Service. That history is much shorter and much simpler. That Service has been in the social-security branch of the Government since the enactment of the Social Security Act of August 14, 1935, and it never has been in the Department of Labor.

So we find—to revert for a moment to July 1, 1948, with the transfer on that date of the United States Employment Service back to the Federal Security Agency—that the United States Security Agency then resided side by side with the Unemployment Insurance Service in the Federal Security Agency. Today both of them are in the Bureau of Employment Security of the Federal Security Agency.

Mr. President, in a very short time I shall answer the Senator from Minnesota. I wish to refer, first, to a statement by President Roosevelt. I do not wish the Senator from Minnesota to think his question will remain unanswered.

The United States Employment Service and the Unemployment Insurance Service should be operated, I submit, in the same agency or department. The report of the Committee on Expenditures in the Executive Departments, filed on August 8, 1949, has this to say, at page 6:

> There was general agreement on the part of all witnesses, both for and against the plan, that the United States Employment Service and the Unemployment Compensation Service, which are the major components of the Bureau of Employment Security, should continue to be operated in conjunction with each other, regardless of any action taken on the plan.

So I shall assume that, with like unanimity of opinion, the Members of the Senate generally speaking will agree that the two Services should continue to be operated in conjunction with each other, regardless of what action is taken on this plan. The question of course which then arises is, should the place in which the two Services shall be operated be the Department of Labor?

Mr. President, I now address myself to the question of the Senator from Minnesota. I have before me the message issued on April 25, 1939, by President Franklin D. Roosevelt, with respect to Reorganization Plan No. 1, the plan which became effective on July 1 of the same year, 1939. In the message of the President occurs language which I trust will answer the Senator. President Roosevelt said:

> I find it necessary and desirable to group in a Federal security agency those agencies of the Government, the major purposes of which—

I underscore mentally, though they are not underscored by the President, the words "the major purposes." He says:

> I find it necessary and desirable to group in a Federal security agency those agencies of the Government, the major purposes of which are to promote social and economic security, educational opportunity, and the health of the citizens of the Nation.
>
> The agencies to be grouped are the Social Security Board, now an independent establishment; the United States Employment Service, now in the Department of Labor; the Office of Education, now in the Department of the Interior; the Public Health Service, now in the Treasury Department; the National Youth Administration, now in the Works Progress Administration; and the Civilian Conservation Corps, now an independent agency.

Continuing, the President said:

> The Social Security Board is placed under the Federal Security Agency, and at the same time the United States Employment Service is transferred from the Department of Labor and consolidated with the unemployment compensation functions of the Social Security Board in order that their similar and related functions of social and economic security may be placed under a single head and their internal operations simplified and integrated.
>
> The unemployment compensation functions of the Social Security Board and the employment service of the Department of Labor are concerned with the same problem, that of the employment, or the unemployment, of the individual worker.
>
> Therefore they deal necessarily with the same individual. These particular services to the particular individual also are bound up with the public-assistance activities of the Social Security Board.

I therefore submit to the Senate and to my friend from Minnesota, who inquired of me a few moments ago, that in this language the President of the United States, I think, stated very clearly his reason for transferring from the Department of Labor to the Federal Security Agency the United States Employment Service, which was then in the Department of Labor.

The Federal Security Agency issued its annual report for 1947. I appreciate the fact that the Federal Security Agency is here testifying in a way for itself, but

I think we are entitled to take into consideration what it says, and I desire to point out what it has to say, which I think bears upon the question at issue. The Federal Security Agency, in its 1947 annual report, at page 93, says:

> It is important, too, that the employment security program continue to function as part of a comprehensive system of social security. Old-age and survivors insurance and unemployment insurance cover largely the same workers and should move in the direction of uniformity of coverage. With uniformity the reporting burden for employers would be simplified and the program made more understandable to workers. * * *
>
> The employment security program also has close relationships with the public-assistance programs. Since both are Federal-State programs, both have been subject to a single set of personnel merit-system standards and, in many ways, a single set of fiscal standards. These devices make for ease and economy of administration and should be continued and expanded.

Mr. President, Congress has had before it on two occasions, when the membership of this body included a very large proportion of those who are now members of it, the question whether the Employment Service should be lodged in the Department of Labor. Also, in one instance, it has had before it the question whether the Federal Security Agency, the Bureau of Employment Security, should be lodged in the Department of Labor. What has Congress decided on these two questions?

In 1947 we had before us Reorganization Plan No. 2, presented to us by the President of the United States, in which it was proposed to lodge the Employment Service in the Department of Labor. I point out, of course, Members of the Senate, that this was objected to, or at least was objectionable, as I see it, on two grounds: one, the ground that the Department of Labor was not the proper repository for the Employment Service; the other, the fact that this involved a division, a separation of the two functions, the Employment Service and Unemployment Compensation. At any rate, the question was presented to Congress in 1947, whether the Employment Service should be placed in the Department of Labor; though in frankness I repeat, if I may, it involved separation of the two functions, and many a Senator may have voted against it who might have voted in favor of the placing of the function in the Department of Labor, had the two Services gone together. But the fact is that, regardless of what may have been the mental processes of Members of the Senate, Congress in 1947, in acting on the President's Reorganization Plan No. 2, declined to lodge the Employment Service in the Department of Labor, involving, as it did—and I repeat it so there can be no question as to a lack of frankness—involving, as it did, the separation of the two divisions of service.

But in 1948, Congress had a somewhat simpler problem. It then had before it Reorganization Plan No. 1 of 1948, which was submitted to it by the President. This plan did not involve any separation of the two functions. The plan involved turning over the functions both of the Employment Service and of the Bureau of Employment Security to the Department of Labor. I take it most of us will recall at least dimly the fact that in 1948 the Congress declined, by disapproving Reorganization Plan No. 1 of 1948, to transfer the United States Employment Service and the Bureau of Employment Security to the Department of Labor.

So we had before us only last year this precise question as to whether the functions of the two services, keeping them together like the Siamese twins, should be transferred to the Department of Labor, a department in which, as I have previously indicated, one of them would be a total stranger, because the Unemployment Insurance Service has never at any time been in that department. Congress declined, only last year, as I say, to approve the transfer of the two services.

What are the functions of those two services? I raise this question not as a matter of historical or factual interest, but in order that it may enable at least myself to determine whether the Department of Labor is the better of the two departments in which to lodge these functions. By use of the word "better" I have no criticism of the Department of Labor. I have a very great regard for the work which has been done by that department. My relationships both with the former and late lamented Secretary Mr. Schwellenbach, and with the present Secretary of Labor, Mr. Tobin, have been very pleasant indeed, and I have enjoyed my contacts with both those gentlemen. But the question arises as to whether the Department of Labor is the Department in which these functions should be lodged from the standpoint of best carrying forward the purposes of the two functions. What are the functions of these two services? I shall not attempt to go into a technical discussion of them. Indeed, I would be in water too deep for me to swim were I to undertake to discuss the complications of the technical operations of the two services.

But President Truman has given to us a very admirable and concise statement himself, which indicates, I think, quite clearly, his concept of the functions of the United States Employment Service. By letter of January 19, 1948, in which the President submitted last year the proposed reorganization plan of 1948, he indicates the functions, as follows:

> The provision of public employment offices which assists workers to get the jobs and employers to obtain labor.

The idea of obtaining jobs for workers and enabling employers to obtain labor from those workers, to the mind of the President of the United States, indicates the function of the United States Employment Service.

I think I should say, in fairness to the President, that in pointing out the functions of the two Services, he has come to a conclusion with which I most respectfully disagree, that the function to which I have referred "belongs under the leadership of the Secretary of Labor." But I was not quoting him with the design of indicating the ultimate conclusion, but rather the question as to what is the function of the United States Employment Service. As its name indicates, the assistance of workers to get jobs and employers to obtain labor, as the President has so clearly indicated, constitutes a very excellent statement of the function.

The President has given us in his same message on January 19, 1948, the following statement which indicates his view as to the functions of the Unemployment Insurance Agency:

> The Bureau of Employment Security in the Federal Security Agency administers the Federal activities relating to the Nationwide unemployment-compensation system. As a practical matter, these functions have proved to be intimately related to those of the United States Employment Service. Under existing State laws, claimants for unemployment compensation must register with the Employment Service before they may become eligible for benefits. In consequence, nearly all States have assigned the administration of those two programs to the same agency.

Thus it is, Mr. President, that the President of the United States not only emphasizes the importance of the assignment of the administration of these two agencies to the same agency, but also what he indicates to be the intimate relationship between the two Services and the duties and functions of the Unemployment Insurance Agency.

To simplify it perhaps a little bit more than does this very carefully worded statement of the President, let me say that if a man requests unemployment compensation, the theory of the law is, as I understand, that he must in some way evidence his willingness to take a job. He will not be given unemployment compensation unless he does evidence his willingness to be employed. I take it we all see the fairness of that. If any other rule were to be followed the unemployment-compensation plan would be but an encouragement to idleness and failure to work. So, obviously, these two Services have the functions, I think, which the President of the United States has indicated.

I now come to the question, Can the task of the two services be best performed in the Labor Department or in the Federal Security Agency? In answer to that question, I think it is fundamental that we should arrive at what is the major purpose to be achieved by the carrying out of the functions of each of these services. What is the major purpose of each of the respective Services? The late President Roosevelt had some ideas on this proposition. I have already quoted from his message of April 25, 1939, and I repeat the language in which he considered that the United States Employment Service of the Social Security Board was among the agencies "the major purposes of which"—and it will be recalled that I emphasized "the major purposes of which" by stating that I was mentally underscoring the words—"the major purposes of which are to promote social and economic security, educational opportunity, and the health of the citizens of the United States."

If it be true, and I think it is, as the President of the United States stated, that the major purposes of these two services are to promote social and economic security, educational opportunity, and the health of the citizens of the Nation, obviously the Federal Security Agency is the appropriate repository of

both of the two services which I am discussing, namely, the United States Employment Service and the Unemployment Insurance Service.

Furthermore, the Congress, by declining to transfer in 1948, as I have previously indicated, these services to the Department of Labor, when presented by the President with a reorganization plan which proposed to transfer to the Department of Labor both these services, evidenced very strikingly and, to my mind, very conclusively, its then opinion, only a year or so old, that the Department of Labor is not the advisable place in which to repose the respective functions.

Why is this, Mr. President? I do not say that there is any less efficiency in one department than in the other. I do not say that the men who are at the head of one department are superior in integrity or in intention to those who are at the head of the other department; but the fact is that in addition to the major purposes of the two branches, the Unemployment Compensation Agency on the one hand and the Employment Service on the other, being, as President Roosevelt indicated, social and economic security, educational opportunity, and the health of the citizens of the Nation—in addition to that fact, let us not overlook the further important fact, which I think has a very important bearing, that the United States Employment service and the Unemployment Compensation Service affect two interests, first, the employer, and, second, the employee; or let me say, first, the employee, and, second, the employer. I do not discriminate in their importance. Consequently, both these services affecting both the employer and the employee, should be administered by a neutral agency, rather than by one created, as in the case of the Department of Labor, with its purpose defined by statute "to foster, promote, and develop the welfare of the wage earners of the United States, to improve working conditions, and to advance their opportunities for profitable employment."

That language is found in the act of 1913, signed, as I recall, by the father of one of the very distinguished Members of the Senate.

The Labor Department has, and very properly so, a trust relationship under which, as the trustee for cestuis que trust, the labor interests, it has the duty of fostering and promoting the welfare of the wage earners of the Nation. I do not mean to say that there is hostility, or that there should be hostility, between management and labor. We have all seen, regrettably, in particular instances, that there has existed such hostility, and I think we all hope for the day, though we may doubt whether it will come, when that hostility may be at least measurably reduced and possibly eliminated to the very greatest extent compatible with human dispositions. But, Mr. President, we find there are those two interests, on the one hand, management, and, on the other hand, labor. Just as I think labor would be fully justified in objecting to placing these two functions of employment and unemployment compensation in the Department of Commerce, I think the representatives of the employer interest likewise have a just ground for objection to placing these functions in the hands of a department which is a trustee for those with whom management deals, and is not a trustee for both. The Labor Department itself has indicated, and very commendably so, I think, its recognition of its duty to act as a trustee for the interests of labor.

I could give various illustrations of that. I mention particularly the fact that in the Department of Labor there are, in addition to the Secretary and the Under Secretary, neither of whom is a member of a labor union, so far as I am informed, two Assistant Secretaries, Mr. Wright, who is a member of the American Federation of Labor, and Mr. Gibson, who is a member of the Congress of Industrial Organizations. There is likewise an Assistant Secretary whose nomination we confirmed only a few days ago, Mr. Kaiser, who I understand is not a member of a labor union. In the Bureau of Labor Standards is Mr. William L. Connally, who, I think, presides over that particular portion of the activities of the Labor Department, who was at one time the president of the Rhode Island State Federation of Labor. I understand that he is now a member of the International Typographical Union, under the American Federation of Labor, and at one time was international representative of the International Typographical Union.

The fact is, as I see it, that management, considering the functions of the employment service and of unemployment compensation in which they have a very great stake and interest, just as labor has a great stake and interest, is entitled to have the apprehension in its own mind as to whether its interests will be as carefully looked after and will be as well conserved as they would be were these two processes confined to and reposed in a neutral agency.

Thus it is, Mr. President, that we find manifested by employers a very real fear of jeopardy, particularly in the matter of experience rating. I heard with much interest and satisfaction what the junior Senator from Minnesota said shortly after I returned to the Chamber, that he understands that Mr. Tobin, the present Secretary of Labor, has indicated his friendship toward the idea of experience rating, and that he did so in his official work, I believe the Senator said, while he, Mr. Tobin, was Governor of Massachusetts. But, as the Senator from Minnesota very appropriately observed in the immediately following sentence or sentences, we are not to judge this reorganization plan by the mere accident of who happens to be at the moment occupying the position of Secretary of Labor.

Mr. President, surrounded as the Secretary is, and doubtless will be, by those who represent labor unions, as I have indicated, a member of the American Federation of Labor, and a member of the CIO, being two of the Assistant Secretaries of Labor, I undertake to say that those who favor the development and progress of the plans looking toward experience-rating provisions may well consider with apprehension, and may justly consider with apprehension, and may hesitate to avail themselves of the services of the Employment Service of the United States, because of the fear of the jeopardy of the experience-rating system.

Mr. President, it was my privilege to read some time back the testimony taken in 1946 in the hearings before the committee in the Seventy-ninth Congress, at page 1215, the testimony of Mr. Abraham L. Zwerdling, the president of the United Automobile Workers of America, CIO, who said:

> We strongly urge this committee to approve the adoption of language in the Social Security Act which will abolish experience-rating provisions in State laws. Such action will eliminate a system which offers a premium to persons who strive to save money by reducing essential benefits paid workers unemployed through no fault of their own.

Mr. Nelson H. Cruikshank, director of the social insurance activities of the American Federation of Labor, in testifying before the House Committee on Ways and Means, at page 1396, said:

> From long experience the American Federation of Labor is convinced that the most desirable single improvement that could be made in the present Federal-State program would be the elimination of the encouragement to the enactment of experience rating provisions in the State laws. This could be done by amending the Federal Unemployment Tax Act of the Internal Revenue Code to remove the additional credit provision for reductions in contribution rates resulting from experience rating.

A report was presented at the thirteenth national conference on labor legislation in December 1946, which report was published by the Department of Labor. Included in that report was this language:

> Those present were mainly labor commissioners and representatives of organized labor.

Again:

> The experience rating provisions in State laws have not proven effective in stabilizing employment but have proven to be powerful incentives to the adding of disqualification and restrictive eligibility provisions to the State laws, and to narrow interpretation of those provisions with the result that many persons in need of protection of unemployment insurance are deprived of their benefits.
>
> The committee recommends that the experience rating provisions be removed from State Unemployment Compensation laws.

So, Mr. President, without at this moment undertaking to espouse or oppose experience rating plans, I submit that those members of the ranks of employers who are fearful of what may happen under such a plan, if there shall be placed in the Department of Labor these two services, the Employment Service and the Unemployment Insurance Compensation, have very just ground for their apprehension, particularly in view of the fact that two of the three Assistant Secretaries of Labor are members of labor unions, and the other gentleman, Mr. CONNALLY, to whom I have referred,

has occupied the exalted position with the labor union which I have mentioned.

It is not strange, therefore, I take it, that we find in the report of the committee, issued on August 8 of this year, this language:

Interpreting the basic statute which established the Department of Labor as a mandate in the interests of one segment of the population only, opponents of Reorganization Plan No. 2 vigorously charged the Department with flagrant bias—

I pause there. I am not in accord with a statement to that effect. I have seen no indication of flagrant bias, but I am saying what the employers feel about it. I continue reading from the report—

pointed out that major labor organizations not only were represented at but dominated its top organization level, and expressed fear that employers would refuse to use the facilities of the Employment Service if it were transferred to the Department. Witnesses further alleged that transfer of the Bureau of Employment Security to the Department of Labor would result in eventual abolition of the efficiency rating system, under which formulas employers may obtain reduction in their unemployment-compensation tax rates if they achieve consistent employment records, pointing to the opposition of the Thirteenth Annual Conference of Labor Officials in 1946, sponsored by the Department of Labor, which adopted a resolution recommending that the experience rating provisions be removed from State unemployment laws, and the consistent opposition of labor organizations to the system since.

So, Mr. President, I respectfully have risen this afternoon to oppose the approval of Reorganization Plan No. 2. The plan, as I have indicated, excludes several things, to only a portion of which I have paid attention. Those to which I have paid attention are the transfer proposed by the plan of the United States Employment Service and the Unemployment Service to the Department of Labor.

I have submitted, first, that while I am most grateful, as we all are, to the Commission and to its distinguished head, Mr. Hoover, for the fine work which has been done by all the members, including the Chairman of the Commission, nevertheless I feel there is a duty on the Members of the Senate which could not be evaded even if we sought to do so. There is a duty on us to exercise our independent judgment on each and every proposal which shall be presented to us.

I have pointed out something as to the history of these respective Services, where they have resided during the period of their existence; the fact that the United States Employment Service has been in one place or another, which is explained entirely by the fact that just before the war it was necessary that the repository be changed from the Department of Labor to the Federal Security Agency, and that during the war the Service was transferred to the War Manpower Commission.

On the other hand the Unemployment Service has been always in the Federal Security Agency, since the Social Security Act of 1935.

I have indicated that both these services are today in the Bureau of Employment Security of the Federal Security Agency.

I have pointed out further that these two services should be operated in the same agencies or departments as to which there is general unanimity of action.

Then I have attempted to discuss the question as to whether the place in which the two services shall be operated should be the Department of Labor. I have pointed out the views of President Roosevelt, which would indicate, as I endeavored to point out as clearly as possible, very positively his views that the proper depository for these functions is in the Federal Security branch of the Government.

I have pointed out the views presented by the Federal Security Agency itself.

I have pointed out, in addition to those facts, the action taken by Congress itself in 1947, when it declined to transfer one of these branches—by itself, it is true, the Employment Service—to the Department of Labor; and that a year later, only last year, Congress declined to transfer the two of them linked together to the Department of Labor, as is now proposed.

I endeavored to discuss also, Mr. President, the functions of the two services as having a bearing on which department they would be most appropriately kept within.

Finally I have discussed the question of whether or not it is desirable from the standpoint of the best service to the Nation at large to place the administration of these functions in an agency which by statute of the United States is made a trustee for one particular group of our people rather than leaving it in an agency which is designed to have the neutrality which it seems to me it is fair for all parties to desire to be possessed by an agency in which these functions are carried out.

Mr. HUMPHREY. Mr. President, I now yield 15 minutes to the distinguished Senator from Utah [Mr. THOMAS].

Mr. WHERRY. Mr. President, will the Senator yield for a question?

Mr. HUMPHREY. I yield.

Mr. WHERRY. Does the Senator from Minnesota believe the debate will continue until 5 o'clock? That is, will all the time be consumed?

Mr. HUMPHREY. On behalf of those of us supporting Reorganization Plan No. 2 I will say that there are two or three more Senators who wish to make their presentations. I do not know how much time the Senator from Arkansas [Mr. MCCLELLAN] expects to use.

Mr. MCCLELLAN. Mr. President, I do not believe I have any more requests for time. I myself may use 5 or 6 minutes of time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

Mr. THOMAS of Utah. Mr. President, I rise to support the President's recommendation. I find myself following my splendid colleague, the Senator from Missouri [Mr. DONNELL] who when discussing the Constitution, speaks so learnedly, as a lawyer, that I am very fearful even of mentioning the name of the document. I am not a lawyer, and have never argued a constitutional question from the standpoint of the law. As one who has gained his knowledge of the Constitution by having seen it in operation, and having seen what it has accomplished, I cannot refrain from at least saying that my concept of the Constitution is merely that it is a companion of the American people in the accomplishment of their ideals and ideas. It was set up by the people, and it was set up to function for the people. It has done so.

Mr. President, whenever we argue that the Constitution stands in the way of the accomplishment of the people's objectives, then we are indirectly arguing in favor of overcoming what the people wish in a people's government.

Mr. President, the provisions contained in Reorganization Plan No. 2 have, in whole or in part, been subject to consideration by the Congress on numerous occasions, as the Senator from Missouri [Mr. DONNELL] has stated. Last year, for instance, the President submitted the Reorganization Plan No. 1 of 1948 which would have permanently placed the administration of the Federal employment services and the unemployment compensation functions in the Department of Labor. Congress did not accept this plan, primarily on the ground that no basic reorganization of the executive structure should be made until the Hoover Commission had submitted its report and recommendations. After a thorough study, this Commission has unanimously recommended that the Congress take affirmative action and transfer the Bureau of Employment Security to the Department of Labor. Now, these groups who opposed Reorganization Plan No. 1 of 1948 must find another basis for their efforts to emasculate the Department of Labor. These groups now raise their voices to proclaim that the Department of Labor is biased and that it cannot, for some unexplained reason, administer the functions of the Bureau of Employment Security in a fair and impartial manner. Those who are acquainted with the past performances of these groups will quickly recognize that this is the same old song, being sung by the same chorus, with slight variations.

The allegation of the bias of the Department of Labor is a charge which is easily made but one which has never been proved. They who make the charge are never specific and are never detailed, primarily because there is not a shred of evidence that the Department of Labor is biased in the performance of its statutory functions.

It is interesting to note that many of the chambers of commerce of the various States and cities in the country who now express their opposition to this Reorganization plan, were among the first to express their unqualified support for the recommendations of the Hoover Commission a few short months ago. Those of us who have talked to the businessmen of our States about the recommendations of the Hoover Commission know that the overwhelming majority of them want this Congress to take affirmative action in order to place these recommendations into effect. But unfortunately some of these business organizations are staffed with professionals who oppose any constructive measure concerning the Department of Labor, regardless of the consequences of their actions. These professionals began sending telegrams to their membership informing them that

the Department of Labor was going to discriminate against the Nation's businessmen if Congress passed this reorganization plan. The members of the organizations were urged to express these distorted fears to the Members of Congress. Many businessmen were induced to do so; most of them without realizing that the Secretary of Labor would have no administrative discretion to look beyond the law which he administers in carrying out his duties.

Mr. President, in support of the argument that the Department of Labor is not biased, I should like to point out the way in which thousands of businessmen cooperate with the Department each year and how these businessmen turn to the Department every day of the year for information which they use in connection with their business activities. These concrete demonstrations of confidence in the integrity of the Department are a matter of record—cold, hard facts instead of unsubstantiated allegations. The extent to which industry cooperates with the Bureau of Labor Statistics is clearly indicated in the following:

Approximately 15,000 retail establishments report the prices of food, household furnishings, and other items for inclusion in the Consumer's Price Index of the Bureau.

One hundred and ten thousand establishments report to the Bureau of Labor Statistics each month on their pay rolls and employment figures.

This year 10,000 establishments are cooperating in occupational wage surveys.

Eleven thousand establishments submit quarterly reports to the Bureau on accidents; 45,000 other establishments cooperate in the more comprehensive annual studies of accidents; 20,000 contractors are also cooperating in the current study of accidents occurring in the construction industry.

Another example of industry's confidence in the Department of Labor is shown by the fact that corporations like General Motors utilize the Bureau of Labor Statistics Consumers' Index for adjusting the escalator clause in its contract with the United Auto Workers. Contracts based on the escalator clause in the great garment industry also rely on this consumers' index. The record clearly indicates that these reckless charges against the Department by the professionals in business organizations are refuted by the actions of their rank-and-file members.

I should like to go into detail concerning the Consumers' Price Index of the Bureau of Labor Statistics. Thousands of business establishments cooperate with the Bureau of Labor Statistics on a voluntary basis in the surveys and analyses which are necessary in the preparation of this index.

An evaluation of some of the uses of the Consumers' Price Index shows that in the spring of 1947, for instance, the Bureau of Labor Statistics requested comments from the approximately 7,300 individuals and organizations on its monthly mailing list. During the first 8 days after these requests were sent, 1 out of 3 of these users of the index replied with their suggestions and comments. This survey showed that the most important single use of the Consumers' Price Index was in connection with wage negotiations covering over 8,000,000 workers. Over 400 users of the index stated that the escalator clauses in their union-management contracts provided for changes in wage rates in accordance with changes in the Bureau of Labor Statistics' Consumers' Price Index.

The survey showed that manufacturers make a greater use of the index than any other single group. The survey indicated the following percentages of the index were used by various groups:

	Percent
Manufacturers	31.7
Wholesalers and retailers	11.5
Labor unions	9.6
Trade associations	7.7
Local governments	7.9
Research organizations	5.6
All others	26.0

At the present time 12,636 individuals and organizations receive the monthly report of the Consumers' Price Index, as compared with 7,300 in the early part of 1947. Do these facts indicate bias or lack of confidence in the work of the Bureau of Labor Statistics? Quite the contrary; it indicates the complete confidence manufacturers, both large and small, have in the impartiality and integrity of this Bureau.

In 1947, a business research advisory committee was created in the Bureau of Labor Statistics at the request of numerous business organizations. Through their representatives, these organizations stated that the Nation's business had a vital interest in the work carried on by the Bureau of Labor Statistics. The members of this committee are well-qualified experts in particular fields of business problems. The membership of the committee includes such outstanding businessmen as the assistant vice president of the Baldwin Locomotive Works, the chief economist of the Western Electric Co., the vice president and controller of H. R. Macy & Co., the executive vice president of the National Retail Lumber Dealers Association, the president of the American Iron and Steel Institute, the chief economist of the National Association of Manufacturers, the director of economic research of the Chamber of Commerce of the United States, the president of the Cotton Textile Institute, the executive secretary of the National Sand and Gravel Association, the managing director of the National Electrical Manufacturers Association, and the chief economist of the National Industrial Conference Board.

The Commissioner of the Bureau of Labor Statistics utilizes this business research advisory committee in an advisory capacity, on policy as well as technical matters. The Bureau also seeks the advice of the committee concerning the formulation of the Bureau's program for each fiscal year. The Bureau keeps the members of the committee informed on the important details of the studies and analyses which it undertakes. This year the committee has established various subcommittees on construction, productivity, employment, wages, industrial relations, wholesale-price index and consumer-price index. These subcommittees meet and discuss in detail the work of the Bureau. The record, therefore continues to emphasize how employers and business organizations have year after year utilized the services and facilities of the Department of Labor, participated in the activities of its committees, and placed confidence in the impartiality of its data.

Mr. President, I ask those who make allegations of bias against the Department of Labor to produce the facts, the proof, the tangible evidence to sustain their charges. I submit that those who indulge in this pastime cannot produce such evidence, simply because it does not exist.

The Department of Labor is an executive department, an agency charged with the responsibility of administering the acts of Congress. It is directed by officials who swear to an oath of office prescribed by Congress. The allegation that an executive agency of the Government is unfair or biased is, therefore, a very serious matter. I cannot believe that those who make such charges, unsupported by any evidence, realize the full implication of their acts. An allegation of this nature, founded on distortion, vague, and unsupported statements, attempts to undermine our confidence in the governmental structure at a time when we must proclaim faith in our democratic institutions.

Ample assurance is contained in this reorganization plan that the functions of the Bureau of Employment Security will be conducted in the same impartial manner as they are now conducted in the Federal Security Agency. I call attention to the Federal Advisory Council, which was established pursuant to the Wagner-Peyser Act. This Council has by statute the purpose "of formulating policies and discussing problems relating to employment and insuring impartiality, neutrality, and freedom from political influence in the solution of such problems."

By statute, the Council also has the right "of access to all files and records of the United States Employment Service." The Council is composed of men and women who represent employers and employees in equal numbers, and the public. There are 33 outstanding citizens serving on this Council at the present time.

Mr. President, under the provisions of Reorganization Plan No. 2 of 1949, this Council, which at present advises only as to the employment services, will also act in the future on matters relating to unemployment compensation. The representatives of employers and employees on the Council will have, by statute, the authority to check and scrutinize all the actions and policies of the Department of Labor regarding employment services and unemployment-compensation functions. I assure Senators that if there is any prejudicial action on the part of the Department of Labor in the administration of these functions it can be immediately publicized by the representatives of management.

At this point, I believe it would be well to examine the recommendations of the Committee on Reorganization of the Executive Branch of the Government with respect to the Bureau of Employment Security. This so-called Hoover Commission made the unanimous recommendation that the Bureau of Employment Security be transferred to the Department of Labor. This bipartisan Commission was created by Public Law 162 of the Eightieth Congress. It was composed of representatives of the public and of the executive and the legislative branches. It will be noticed that it did not include a single representative of labor, of a labor group, or of any labor organization. Two of the members of the Commission, however, were well-known employers. Both of them joined with the other members of the Commission in unanimously recommending the transfer of the Bureau of Employment Security to the Department of Labor. In commenting upon the desirability of this transfer the Commission said:

It is now generally agreed by both Federal and State officials that it is desirable to integrate fiscal and administrative review of the two State programs under the supervision of the same Federal department. The placement operations are the primary objectives of this dual arrangement. The paying of unemployment-compensation claims is a temporary expedient until the eligible worker can be brought back into the productive labor force. Occupational analysis, testing, reporting, counseling, and placement standards and procedures are the principal functions involved. These are employment functions.

Employment offices and unemployment compensation are more closely related to each other than to retirement or old-age assistance or educational programs. Both are Federal-State programs dealing with labor-force conditions and labor-management relations. These programs have close operating relationships with other employment and labor functions in the Department of Labor—with the Bureau of Labor Statistics, Women's Bureau, the Bureau of Labor Standards, and the Bureau of Veterans' Reemployment Rights. Personnel for these functions all acquire the same basic training in labor and employee relations problems.

In making its task force report to the Hoover Commission concerning public welfare, the Brookings Institution made the following statement:

One method of furthering * * * coordination would be to bring the facilities and resources of all agencies concerned with employment information, employment conditions, and employment processes under a common administrative head. This would be a proper statutory function of the Department of Labor, and adequate devices of congressional supervision and group consultation are available to foreclose any undue influence of either labor or management upon the administration of unemployment compensation.

The report also asserted:

It can hardly be questioned that better and less costly statistics could be obtained if the Bureau of Labor Statistics, the Employment Service, unemployment compensation, and possibly old-age and survivors insurance were in the same department.

This task force report of the Brookings Institution contained no point or fact in opposition to the transfer of the Bureau of Employment Security to the Department of Labor. If there had been any foundation for the charge that the Department of Labor is biased, the Brookings Institution and the Hoover Commission would no doubt have considered and commented upon any such facts. The studies, investigations, and recommendations of the Hoover Commission stand as positive evidence that the Department of Labor has performed its statutory duties with absolute integrity and complete impartiality.

Several bureaus in the Department of Labor work in close cooperation with business. In March of this year, for example, the Bureau of Labor Standards conducted the President's Conference on Industrial Safety. This conference was called by the President in order to aid in the initiation of a program to reduce the enormous toll of industrial accidents and the economic hardships resulting from such accidents. Nearly 1,000 persons came from most of the States, Hawaii, and Canada in order to take part in that program. Management representatives were constituted the largest group in attendance there, constituting 42 percent of all those present. Those business representatives were a cross section of American business, from the smallest corporations to the largest. In contributing their support and cooperation to this program, they found the Department of Labor conducting a program which would result in saving American business millions of dollars each year, through the reduction of industrial hazards and accidents.

During the war the Bureau of Labor Standards utilized the services of hundreds of safety engineers, lent from private industry and paid by private employers, in carrying out its accident-preventior program. An advisory council used in connection with that program was composed of members of management and labor organizations.

Mr. President, Congress is not being asked to assume that the Bureau of Employment Security will be administered in an impartial manner and with due regard for the interests of all groups. The Department of Labor administered the United States Employment Service from 1933 to 1939 and from 1945 to 1948. The record achieved by the Department during those periods stands as convincing proof that the Employment Service was and will be conducted in an honest and efficient manner. The official records show that employers utilized the Employment Service more during each year it was in the Department of Labor from 1945 to 1948 than in any other peacetime year since the creation of the Service in 1933.

Mr. President, the common problems of the employment services and unemployment insurance are primarily concerned with labor placement and the economic hazards of unemployment. In order to give the worker the maximum assistance in meeting such problems, these functions must be properly coordinated in one agency. The Department of Labor is equipped with several of the services necessary to the proper administration of these functions. It has the necessary specialists and the wealth of information on occupations, employment trends, wage rates, working conditions, labor legislation, and other matters essential to employment counciling and placement. In the interest of sound government and of efficient administration, it is necessary that the employment services and unemployment insurance functions utilize the services and facilities of the Department of Labor.

The PRESIDING OFFICER (Mr. HILL in the chair). The Senator's time has expired.

Mr. HUMPHREY. Mr. President, I yield to the Senator from Utah whatever additional time he requires.

Mr. THOMAS of Utah. I thank the Senator.

Mr. President, this reorganization plan places the emphasis in the most logical place. Primary emphasis will be directed toward the improvement of employment services in order to get unemployed persons back to work as rapidly as possible. From the standpoint of the worker, the employer and the public, the primary concern is employment. Although unemployment insurance benefits are essential, the workers' principal need and desire, in the event of unemployment, is a steady job. This objective can be realized by placing the Bureau of Employment Security in the same department with the Bureau of Labor Statistics, where the facts from all over the country are brought into the central offices, where there will be the factual information as to where there are shortages and surpluses in the labor market.

Mr. President, I have concluded that the Bureau of Employment Security will operate more efficiently in the Department of Labor than in the Federal Security Agency; that the recommendations of the Hoover Commission with respect to this transfer are based on sound principles of governmental organization; and that the evidence clearly and unmistakably shows that the Department of Labor will administer the Bureau of Employment Security in a fair and impartial manner. I sincerely urge my colleagues to join in voting to reject the resolution against Reorganization Plan No. 2, and, by so doing, to aid in the rebuilding of the Department of Labor to a position comparable with that of the other great executive departments.

Mr. McCLELLAN. Mr. President, I have no intention of taking considerable time on this issue. In fact, I had thought I would have nothing to say, because I do not regard this reorganization plan as one involving serious, vital, or fundamental issues, as I did Reorganization Plan No. 1, which I opposed. I felt that plan No. 1 involved something fundamental, something having far-reaching implications which ultimately would lead to unhappy consequences; and therefore I felt that plan No. 1 should be defeated.

As to plan No. 2, I see no such issue involved, although I shall vote against the plan because I see in it no economy, no increased efficiency.

The only actual justification and the greatest argument which has been urged in behalf of the plan, which would cause the transfer of these Services back to

the Department of Labor, is that it will build up the Department of Labor.

I served as a member of the Commission on Reorganization of the Executive Branch of the Government. I know just about what the discussions in that body were and the reasons assigned there for the recommendation that this transfer be made. The principal reason given for the proposed transfer was that in recent years the Department of Labor has been stripped of so many of its functions, so the Commission felt, that in order to strengthen the Department of Labor, these Services should be transferred to it.

Mr. President, my vote yesterday for the resolution of disapproval of Reorganization Plan No. 1 does not mean that I oppose the reorganization of the executive branch of the Government. I would have supported plan No. 1 insofar as the establishment or creation of a Welfare Department is concerned. To that, I have no objection. I did object, and I still disapprove and object to the effort which was made in that plan to put the public health services under the control of a Welfare Director, with unlimited power to organize, direct, and supervise them. I did not believe that was in the interest of the health of the Nation, or that an organization of that kind was in fact an effectual reorganization. I think the department in which they are placed makes very little difference to the United States Employment Service and the Unemployment Compensation Service. I do not believe any economy will be effected or any greater efficiency achieved by returning the Services to the Department of Labor.

There is but one objection, so far as I know, to the services being in the Department of Labor rather than in the Social Security Administration or elsewhere. The objection is, as has been stated here, and as the hearings fully reveal, that there is a fear which has been expressed over and over again by employers, that the Services if placed in the Department of Labor will be dominated, as they believe the Labor Department is, by the labor leaders of the country. Therefore, knowing that leaders of organized labor are interested in obtaining abolition of the merit system, they believed the Department would use all its power to accomplish that purpose.

It was further testified by a number of witnesses that for the Service to be operated properly and to be effective in the matter of placing workers who were unemployed, it was imperative there be full cooperation on the part of employers, and that if employers distrusted the agency in which the functions were lodged, or the administrative head of the agency, the employers would not cooperate with the Service, and therefore maximum benefits would not be obtained. That is the principal objection which is made.

It is argued and asserted by many that the fears which have been expressed are wholly unjustified. However unjustified they may be, if we indulge in that assumption, they are in existence; they are definitely present. It was revealed in the hearings, and we have had evidence of it in many ways. So long as the fear continues, until the Department of Labor can ingratiate itself into the confidence of the employers and dispel this fear, it is very doubtful whether the transfer to the Department of Labor will be in the interest of the Services themselves.

As I stated in the beginning of my remarks, I have no deep feeling about this matter one way or the other. Frankly, I see no reason why the Services could not be well performed within the Department of Labor, if the Department should undertake to administer the functions fairly and impartially. I see no reason why they cannot be properly administered in the Social Security Administration, where they are now. I do not see anything to be gained one way or the other by the transfer. The only reason for my voting against the plan is simply the deep and abiding fear which seems to exist on the part of employers who feel that their interest would not be protected, and would not be in the hands of impartial administrators, if the change were made.

Mr. President, I should like to make a further comment about Reorganization Plan No. 1 and the action taken by the Senate yesterday in defeating it. I know it was urged that if the plan were defeated it would mean there would be no effectual reorganization. I do not feel that way about it. I believe every Member of this body honestly wants to see effected a good reorganization, and I believe most of us will cooperate to that end. We did not like the plan, the way it was set up. I note that former President Hoover is quoted in today's New York Herald Tribune. He apparently does not feel as many yesterday predicted, that the failure of plan No. 1 to become effective would doom to failure the whole reorganization scheme. I quote from Mr. Hoover's statement, issued to the press after learning the results of the action of the Senate yesterday. He said:

> This is not a defeat for reorganization. I do not understand that the Senate was opposed to reorganization but disliked step-by-step action.

I think the former President is correct in his summation of the attitude of the Congress, or at least of the Senate. I may be mistaken, but from my own standpoint I think the President will get much better results, and the Congress will be far more inclined to go along and will be able to cooperate better if the reorganization plans are made comprehensive. The President should, if he desires to do so, follow the report of the Hoover Commission. Let him take the report and then lay before the Congress a plan substantially in line with it. But I think he should make it comprehensive so that when we look at the plan we shall know how far we are traveling and whether we are going all the way with respect to the functions and agencies that are involved. If we then do not like the Hoover Commission plan, or if we do not like whatever the Hoover Commission has recommended, the plan can be rejected. But if, looking at the Commission's recommendations, we see but a part of it, and if, as former President Hoover said yesterday regarding plan No. 1, there are other imperative steps which must be taken in order to make it effective, we shall feel that the other steps ought to be included in one plan, so we can see it as an integrated whole and be guided by it. We can then either support it or oppose it.

I hope the plans that may come to us in the future will be more comprehensive in scope, and that, if they are in line with the Hoover Commission recommendation, they will not propose a step-by-step procedure, when the whole reorganization can be effected in one plan. I believe we will make much greater progress if that procedure be followed.

Mr. President, I shall not take further time on this particular plan. It has been pointed out by other Senators that there are seven additional recommendations by the Hoover Commission which might well have been incorporated in this plan, and the whole reorganization in this respect could have been completed and effectuated by this one action.

Mr. President, I introduced the pending resolution of disapproval after the Committee on Expenditures in the Executive Departments had voted disapproval of the plan and at the request of the majority of the committee. I shall vote for the resolution but I have no deep feeling about it.

Mr. HUMPHREY. Mr. President, I should like to yield whatever time is required for the remarks of the Senator from Maryland [Mr. O'CONOR].

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. O'CONOR. Mr. President, I am grateful to my friend, the able Senator from Minnesota, for the allotment of time. I should like to say, before commenting on this particular plan, that I am highly gratified that the Senator from Arkansas [Mr. MCCLELLAN] has expressed himself as he has concerning the results following and the situation resulting from our vote of yesterday in which I joined with him in expressing disapproval of the President's Reorganization Plan No. 1, because I can say, without exaggeration, that no one in the Senate more than the able senior Senator from Arkansas, the chairman of the committee, has labored so earnestly and has so devoted himself throughout, not weeks, but months, in order to bring about the consummation of the over-all program as the result of which, unquestionably, our governmental processes will be the beneficiary.

Mr. President, the vote we are about to take on Reorganization Plan No. 2 of 1949 is of great importance. It may well set a pattern for congressional action with respect to other reorganization plans to follow which are and will be in accord with the recommendations of the Hoover Commission, and which Reorganization Plan No. 1 was not.

It is clear that the Hoover Commission reached conclusions upon which Reorganization Plan No. 2 is based. Desiring to uphold the report of the Commission in its entirety, I shall vote against Senate Resolution No. 151.

Members of the Senate will recall that the Hoover Commission was a creature

of the Congress. It was set up by us to consider the organization of the executive branch of the Government. It was a bipartisan commission of distinguished persons, headed by former President Herbert Hoover and having the present Secretary of State, Dean Acheson, as its Vice Chairman. That Commission, after careful consideration of the subject and of a task-force report prepared by the Brookings Institution, unanimously recommended transfer of the Bureau of Employment Security from the Federal Security Agency to the Department of Labor. There were two outstanding employers among the 12 members of the Commission, and no representatives of labor. Both of the employers on the Commission joined in this recommendation.

I am not satisfied that convincing reasons have been advanced for rejection of this Hoover Commission recommendation and the reorganization plan implementing it.

The Brookings Institution task-force report devoted several pages to a detailed exposition of the close relationship of the Bureau of Employment Security to other bureaus of the Department of Labor. The Hoover Commission concluded that there were "cogent reasons" why this Bureau should be transferred to the Department of Labor. It set forth these reasons clearly and persuasively. I am convinced that the reasoning of the Hoover Commission is entitled to great respect and that the interdependence of the Department of Labor and the Bureau of Employment Security is such that greater efficiency of operation can be effected by this transfer.

This plan has the support of the only living person who has been Chief Executive of the United States. It also has the support of all the agencies which would be affected by the transfer. Representatives of the American Legion and the Veterans of Foreign Wars testified in favor of the plan during the hearings before our committee.

I am sure that many of the objections to the plan are based more on fears than on facts. I am convinced that the Bureau of Employment Security will be operated fairly, efficiently, and economically in the Department of Labor. Were I not satisfied as to these points, I would oppose the plan.

Mr. President, the Employment Service was in the Department of Labor from 1933 to 1939 and from 1945 to 1948. There is no evidence that the Service was not operated impartially and effectively while it was in that Department. There is no evidence that employers and workers could not use the Service while it was operated by the Department of Labor. On the contrary, during the years 1945 to 1948, the Employment Service had more job orders and placements than during any other peacetime years since the Wagner-Peyser Act was enacted in 1933. These facts should dispel any apprehensions with respect to operation of the Bureau of Employment Security in the Labor Department.

It must be borne in mind that any statutory revisions which would be required to change either the merit-rating provisions of current laws, or the extent of unemployment-compensation payments or coverage, would have to be effected by the legislatures of the various States. No authority is given the Secretary of Labor under this plan to make any such substantive changes as some opponents of the plan seem to fear.

To my mind, maintaining maximum employment is one of the biggest problems we face today. I am anxious to see all reasonable steps taken to assure full employment and a high level of prosperity for our people. That is of great importance to us domestically. It is also vital to our fight against those elements who do not want our democratic system to be successful.

There are abundant reasons which might be cited in support of the proposal to place the employment service and unemployment-compensation functions in that agency so that they can best promote job opportunities. As the Hoover Commission noted:

> The placement operations are the primary objectives. * * * The paying of unemployment-compensation claims is a temporary expedient until the eligible worker can be brought back into the productive labor force.

I would therefore put the Bureau of Employment Security in the Labor Department and rely upon that agency to emphasize jobs rather than unemployment-compensation payments.

I shall vote for the transfer because I believe that the Hoover Commission's over-all program is in the interest of efficiency and that its proposals, of which this is one, should enable the Government to provide better services for all our people.

Mr. MAYBANK. Mr. President, I should like to ask the Senator from Minnesota if he will yield in order that I may make a short statement, because the Appropriations Committee is meeting, and I shall have to attend.

Mr. HUMPHREY. I shall be more than happy to yield to the distinguished Senator from South Carolina whatever amount of time it may require for him to make his statement.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. MAYBANK. Mr. President, I assure the Senator from Minnesota that I appreciate his yielding to me. My statement will not be very long.

I favor this plan, Mr. President, because I believe that the Bureau of Employment Security belongs in the Department of Labor. I know all of us are in general agreement that the present economic conditions of the country are sound at the present time. Nevertheless, the fact remains that there now are some three and one-half or four million unemployed workers in this country. This means that there is greater unemployment, perhaps, than at any time during the past 10 years. Certainly there are more unemployed people now than at any time since our entry into the war. While this condition has not reached serious proportions, at the same time it is evident that the Congress must take any practicable steps within its power which tend to reduce unemployment, and to make more effective the facilities of Government which assist workers in getting jobs.

I have been impressed with two outstanding facts presented in the course of this debate. The first is that the Bureau of Employment Security has the primary objective of placing workers in suitable employment. The second is that the Department of Labor, as contrasted with the Federal Security Agency, has as one of its primary functions the promotion of opportunities for profitable employment. It is unmistakable, Mr. President, that these are practically the same functions, and logically they should be joined together in the same agency.

On the other hand, as the distinguished Senator from Minnesota so ably demonstrated, the functions of the Federal Security Agency taken as a whole are, except for the Bureau of Employment Security, almost entirely unrelated to the business of helping workers to get jobs. This agency, as we all know, is concerned with the public health, the public welfare, and public education, in the strictest use of these terms. Except for the Bureau of Employment Security, this agency does not concern itself with employment problems or the operation of the labor market. It has nothing to do with labor-force conditions, with statistics on the occupational outlook, with the training of apprentices for entrance into the labor market, or meeting the problems arising from the employment of women under present-day conditions. None of these functions are carried out by the Federal Security Agency; whereas all of them, and others as well, are carried out by the Department of Labor.

It is almost self-evident that if we should place the Bureau of Employment Security in the Department of Labor we would be contributing to the more effective operation of that Bureau. We would also be contributing to the more effective operation of the present bureaus of the Department of Labor. When we coordinate all of these activities in one department, it seems to me that every one of these activities will benefit from a close day-to-day working relationship with the others.

I do not profess to know, Mr. President, whether or not this will result in any actual saving or decrease in costs of operations, but I can only conclude that not only the Bureau of Employment Security, but also the other bureaus of the Department of Labor, will unquestionably do a better job as a result of this transfer. In this way the taxpayers will get better value out of every dollar spent. In this way the Federal functions designed to help in the placement of workers will be improved. This improvement would logically cut down on the amounts which employers would have to pay by way of unemployment compensation benefits. And as an overall result, I believe that the Department of Labor and the Government as a whole would more fully accomplish their purpose of serving all of the people in our great democracy.

On account of these inescapable facts, Mr. President, I am heartily in favor of Reorganization Plan No. 2 of 1949.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its reading clerks, announced that the House had passed a joint resolution (H. J. Res. 339) amending an act making temporary appropriations for the fiscal year 1950, as amended, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H. R. 2440. An act for the addition of certain lands to Rocky Mountain National Park, Colo., and for other purposes; and

H. R. 5086. An act to accord privileges of free importation to members of the armed forces of other nations, to grant certain extensions of time for tax purposes, and to facilitate tax administration.

HOUSE JOINT RESOLUTION REFERRED

The Joint resolution (H. J. Res. 339) amending an act making temporary appropriations for the fiscal year 1950, as amended, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

REORGANIZATION PLAN NO. 2, 1949, TRANSFERRING THE BUREAU OF EMPLOYMENT SECURITY

The Senate resumed the consideration of the resolution (S. Res. 151) disapproving Reorganization Plan No. 2 of 1949.

Mr. HUMPHREY. Mr. President, I was hoping that in a very few moments the distinguished junior Senator from Oregon [Mr. MORSE] would be with us, and I am sure he will be. Until he returns to the Chamber, I think one or two observations might be made regarding the two most recent statements which have been presented, the first by the Senator from Maryland [Mr. O'CONOR], the second by the Senator from South Carolina [Mr. MAYBANK].

Particular emphasis has been placed upon the relationship between the obtaining of the job, the placement of the worker on the job, and the insurance which has been set up for the worker in the field of unemployment compensation. I think that may be the key point in the transfer of the Bureau of Employment Security to the Department of Labor. I think that is the key argument, along with the matter of the efficiency and effectiveness which those of us who are supporting the plan believe will be the accomplished end of Reorganization Plan No. 2.

I hope that those who examine the RECORD after these debates have been concluded, and those who have been so kind and so helpful as to stay with us and to meditate and think about the proposal which is before us, will keep in mind that what is being attempted is an honest, conscientious effort to coordinate the activities looking toward work opportunities of a great governmental department which has particular responsibility for the welfare of working men and women. I think it is about time that in this country, and particularly in the Congress, we emphasize that what we need is productive work. Our programs of social insurance are exactly what they are called, programs of insurance against the despair as a result of unemployment and of poverty. No American has ever projected for a moment that the programs for unemployment compensation and social insurance were the answer. The answer to America's need is production; production is possible through employment, employment is possible through the job and the worker being brought together, and the job and the worker are brought together, in this very complex and difficult age in which we live, when we have an agency that is trained in the mechanics of bringing the job and the worker together.

Mr. President, I am now happy to yield whatever time may be needed by the distinguished Senator from Oregon [Mr. MORSE] to present further the case in behalf of Reorganization Plan No. 2.

The PRESIDING OFFICER (Mr. JOHNSTON of South Carolina in the chair). The Senator from Oregon is recognized.

Mr. MORSE. Mr. President, I thank the Senator from Minnesota for allowing me a few minutes to express my support of Reorganization Plan No. 2. In supporting and voting for Reorganization Plan No. 2 this afternoon I feel that I shall follow a very consistent policy in respect to my position on the Hoover Commission plans for the reorganization of the executive branch of the Government. Yesterday afternoon I voted against plan No. 1, and in voting against that plan I feel that I followed a very proper and consistent course of action, because of my conviction that we should try to put into effect the Hoover Commission program whenever we think the facts support the program and not vote for wide divergences from it. After a very thorough study of Reorganization Plan No. 1, I satisfied myself that on the merits of the arguments plan No. 1 could not be reconciled with the recommendations of the Hoover Commission in respect to the reorganization of the medical services of our Government.

I voted against plan No. 1 yesterday afternoon also because I had held a series of conferences with outstanding educational leaders, and they satisfied me, on the basis of the discussions I had with them, that plan No. 1 was not in accordance with the best objectives of the educational groups of the country in respect to the need of a reorganization of the educational services of the Federal Government.

I voted against plan No. 1 yesterday afternoon for a third and equally important reason, namely, that in my judgment it proposed to vest entirely too much arbitrary power in one administrator. In accordance with my political philosophy I fear bigness, I fear vesting great power in individuals, and I was satisfied that the power of arbitrary decision which plan No. 1 would have vested in the Administrator of the Department set up under the plan was greater than I think it is safe to give any man if we are to be constantly vigilant in our protection of the democratic processes.

As I listened to the debate on plan No. 1 and also listened in many conferences to spokesmen for plan No. 1 who represented various groups I became more and more convinced that the plan was particularly desired by those who seek to advance the cause of compulsory health insurance in this country. I am satisfied that the best health interests of our people are not to be found in a system of compulsory health insurance. As a sponsor of one of the proposed pieces of health legislation, S. 1456, which is based upon a voluntary health insurance plan, I necessarily found myself in opposition to plan No. 1 because I decided that the administrative devices contained in it were designed or, at least, could be used to foster compulsory health insurance.

I do not agree that the defeat of plan No. 1 prevents sound reorganization of Government services in the field of health, education and welfare. There is a need for greater efficiency and economy in the operation of Government services dealing with health, education and welfare but I am satisfied those ends can be accomplished much better through a new reorganization plan which avoids the serious defects which I have just mentioned in respect to plan No. 1.

I, too, as the Senator from Arkansas [Mr. MCCLELLAN] has pointed out, am pleased to note that former President Hoover has stated, in a press release of today, that the defeat of plan No. 1 yesterday does not in any way mean the defeat of reorganization plans in the particular fields to which plan No. 1 addressed itself. I am satisfied that the President of the United States, in a spirit of cooperation with the Congress, which characterizes the man, will review the objections which have been made to plan No. 1, and, even though it is not to be expected that he will agree with our particular arguments or objections, will nevertheless recognize that under the American democratic process of give-and-take it is now incumbent upon him to submit to Congress a reorganization of his own reorganization plan in respect to the subject matter of plan No. 1.

I sincerely hope that the next plan which the President will submit to us on this subject matter will be so closely in line with the basic principle of the Hoover report on the same subject matter, that the junior Senator from Oregon will find himself, on the next vote, in support of the position taken by the President of the United States.

I say that, Mr. President, because I think it is due the President of the United States to have some member of the opposition party in the Senate of the United States extend to him very sincere commendation for the leadership he has been exercising in respect to the whole matter of the reorganization of the executive branch of our Government. Differ as I differed with him on plan No. 1, I have not differed with him on most of his other recommendations for reorganization because I think in the main he has followed the proposals for reorganization of the Hoover Commission reports. I think the people of the United States owe a great debt of gratitude to

the President of the United States for the leadership he has extended to them in the whole matter of reorganization of the executive branch of the Government. I certainly think the issue is a nonpartisan one. I think it is a task that should be performed by whoever is in the White House, be he a Democratic or a Republican President. Save and except for my difference with the President yesterday afternoon over plan No. 1, and a possible difference I may have with him over plan No. 7, I think he is doing a grand job in his recommendations for the reorganization of the executive branch of the Government. I believe that as the result of the program he has under way not only will there be a great increase in the efficiency of the executive branch of the Government but in due course of time the American people will reap the benefits of the savings in the cost of administration which will result from the leadership President Truman is exercising in this field.

I am sure, the task has not been easy for him. All Senators know the pressures to which they have been subjected and the objections and the exceptions from various groups, particularly in their home States they have been asked to support, when some particular part of one of the Hoover Commission reorganization recommendations steps on the toes of some particular interest in our States. If that be true of us, what do Senators think the President of the United States has been undergoing in regard to attempts to pressure him in respect to reorganization plans?

I hope I shall always be not only nonpartisan enough, but also fair enough, to give credit where credit is due. I think President Harry Truman is entitled to a very sincere expression of appreciation on the part of the American people for the courageous and forthright way in which he has taken hold of the task of making recommendations for the reorganization of the executive branch of the Government. The difference of opinion we had with him yesterday afternoon over plan No. 1 in no way, in my judgment, should be looked upon by him as any great discouragement in respect to the task which still lies ahead of him. If I know the caliber of his courage correctly, we will find in due course of time another proposal coming to us from the President of the United States in respect to the subject matter of Reorganization Plan No. 1, and it will be in the form of a plan which will so closely follow the major Hoover recommendations in this particular field that those of us who could not support the President yesterday will be able to support him in his next recommendation on this subject.

I turn now, Mr. President, to Reorganization Plan No. 2. I shall support it because I think it will carry out the basic principles of the recommendation of the Hoover Commission that the Bureau of Employment Security be transferred from the Federal Security Agency to the Department of Labor. I am convinced that such a transfer is in the interest of good government organization and efficiency. I do not know whether it will achieve dollar economies; but increased efficiency that would give us more service for every dollar spent is in itself an economy.

This plan came to the Congress with every presumption in its favor. It was recommended by President Truman, a Democrat, and by former President Hoover, a Republican. It was recommended unanimously by the bipartisan Hoover Commission. The heads of the agencies affected have testified in favor of the plan. It was, therefore, with great surprise that I found the Committee on Expenditures in the Executive Departments recommending that the Senate not favor the plan. Because of my great esteem for the members of the committee and because I know they gave long and thorough consideration to the subject, I have reviewed the committee's report with as great care as I am capable of reviewing anything.

I am unable to concur in the distinguished chairman's conclusion that this plan diverges from the recommendations of the Hoover Commission. As I read it, the plan implements exactly the recommendations made by that Commission.

The committee report states that the Hoover Commission recommended merging the functions of the Veterans' Employment Service with the Employment Service of the Bureau of Employment Security but did not recommend the abolition of the Veterans' Placement Service Board. The Hoover Commission found that the Veterans' Placement Board is an "anomalous administrative arrangement" and stated that "the need for its correction is evident." Report on the Department of Labor, page 16. The recommendation for merger of the Veterans' Employment Service with the Employment Service followed this statement. It would appear, therefore, that the abolition of the Veterans' Placement Service Board is fully consistent with the Hoover Commission recommendation.

It should also be noted that representatives of both the American Legion and the Veterans of Foreign Wars testified in favor of the plan.

I wish to say, Mr. President, that during the Eightieth Congress I had the privilege of serving as chairman of the Subcommittee on Veterans' Affairs of the Senate Committee on Labor and Public Welfare. That service gave me an opportunity to make many very careful and intensive studies into questions affecting the administration of veterans' affairs by the executive branch of the Government. It also gave me many opportunities to listen to the testimony and study the recommendations of the representatives of the American Legion and of the Veterans of Foreign Wars, and of the other veterans' organizations. On the basis of that experience, when the representatives of the American Legion, the representatives of the Veterans of Foreign Wars, and the representatives of other veterans' organizations tell the Senate that plan No. 2 has their approval, I say their recommendations are deserving of very careful consideration and are entitled to great weight on the part of the Senate of the United States. I say that because the representatives of those veterans' organizations are thinking in terms not only of the best interests of the veteran, but in the best interests of the administration of the Government. I have heard them say time and time again, both in public discussions before my subcommittee and in private conversations with me, that they are well aware of the fact that it is the veteran, after all, who is going to have to pay a large share of the cost of operating the Government through the taxes of the years to come. When these veterans' organizations come forward with a recommendation in support of plan No. 2, Mr. President, I know that they have in mind their best interest in efficient and economical operation of the Government. Therefore any argument in the course of the debate to the effect that the veterans' interests are not adequately protected under plan No. 2 I think falls to the ground on the basis of the recommendations of the representatives of the American Legion and the Veterans of Foreign Wars who are on record in favor of the plan.

The abolition of the Veterans' Service Placement Board is therefore satisfactory to the major veterans' organizations, as well as to the Government agencies involved.

The report characterizes as "divergence from recommendations of the Hoover Commission" the provision concerning the Federal Advisory Council, incorporated in Reorganization Plan No. 2. It notes that the Commission made no recommendation with respect to that Council.

In my opinion, the provision of the plan respecting the Council is one of our best assurances that the Department of Labor will operate the Bureau of Employment Security fairly and effectively. The Federal Advisory Council is composed of outstanding citizens representing the public, employers, labor, and veterans.

I think that the very creation of this Council under the plan effectively meets the argument of the distinguished Senator from Arkansas [Mr. McCLELLAN] in regard to alleged fears of the Department of Labor on the part of employers. In my judgment the Council will function as a watchdog, so to speak, as a forum to provide a check upon a factual basis of any employer fears which may develop in the future. But I hasten to add that I think the argument about the employers' fears is itself a fear argument, and not entitled to any substantial weight in this debate, in the absence of proof of any basis or justification for the fears. There is none, Mr. President.

We cannot get very far in the reorganization of the executive branch of the Government in the interest of efficiency and economy if every time some group expresses a fear that it may not receive impartial treatment under a reorganization plan, such expression is to be used as a basis for voting against the reorganization plan. As a lawyer, I must ask for evidence. There is no evidence in support of this fear on the part of employers.

One could make the point that this argument of the employers itself manifests a prejudice against labor; but I think that would be an equally unsound argument. We must look at this plan from the standpoint of whether or not the mechanics of it give us reasonable assurance of efficient administration.

The Federal Advisory Council which the Senate committee itself seems to think constitutes a divergence from the Hoover Commission report is in my opinion one of the guaranties of impartial, fair, and efficient administration of the plan. So I urge Members of the Senate not to give any weight to the argument which some speakers have made in this debate, that we should not vote for this plan because certain employers have expressed fears about it.

In respect to another phase of the Hoover recommendation for reorganization affecting the Army engineers, I am hearing, by way of some pretty hot pressures from my State, the argument that, of course, we must do nothing that would in any way encroach upon the jurisdiction of the Army engineers, because of the fear that it might have some detrimental effect upon Government projects being built in the Pacific Northwest by Government engineers. I have said to the people of my State, and I repeat this afternoon, that no such argument, based upon fear or upon plain selfishness, will cause the junior Senator from Oregon to divert one bit from his determination to support the Hoover Commission reorganization plan in respect to the Army engineers. I take this opportunity to tell the people of my State that I have made a thorough study of the Hoover Commission recommendations insofar as they affect the Army engineers, and I am satisfied that there is no basis for the fears expressed to me by the various groups, which apparently have undertaken a crusade to see to it that the Army engineers are in no way affected by any reorganization plan approved by the Senate.

Incidentally, I think the time has come when the Army engineers should be brought under a reorganization plan, in the interest of the efficient operation of the planning and construction of the great Government projects needed in the Pacific Northwest. They are not sacrosanct, and should not be so treated by the Senate. Nor should they be defended on the basis of any such insupportable fear arguments as are being sent to me by certain groups in my State, urging me to oppose any recommendation of the Hoover Commission which affects the Army engineers.

As I have said from the platforms of Oregon, I say from this platform today, that I shall support the Hoover Commission recommendations in respect to the Army engineers. I intend to continue to support the Hoover Commission recomendations in respect to other reorganization plans, in the absence of any clear evidence that such recommendations would result in damage to the efficient and economical operation of our Government. When I am convinced that a Hoover recommendation is not a good one I shall vote against it but the presumption is in favor of the Hoover reports as far as I am concerned.

So in respect to the question of the Federal Advisory Council, the fact that it is to be composed of outstanding citizens representing the public, employers, labor, and veterans commends that phase of the plan to me; and in my judgment is an adequate answer to the committee's argument that the creation of the council itself constitutes a divergence from the Hoover Commission recommendations. There is nothing in the Hoover Commission recommendations which would support the argument that the Commission would be opposed to any such council as the Federal Advisory Council.

Under the Wagner-Peyser Act the council has "the purpose of formulating policies and discussing problems relating to employment and insuring impartiality, neutrality, and freedom from political influence in the solution of such problems." By statute the council has "access to all files and records of the United States Employment Service." Under Reorganization Plan No. 2 this council would advise the Secretary of Labor with respect to the unemployment compensation activities of the Bureau of Employment Security as well as with respect to the Employment Service functions. Those who have expressed fear that the Department of Labor cannot operate the Bureau of Employment Security impartially and efficiently have in the Federal Advisory Council a check on the Bureau's operations and an insurance against bias or inefficiency. I assume that the committee has no objection to that provision of the plan which would permit the Federal Advisory Council to advise concerning all operations of the Bureau of Employment Security and to have access to the files and records of the Unemployment Compensation system as well as the Employment Service.

The report also noted as a "divergence from recommendations of the Hoover Commission" the fact that Reorganization Plan No. 2 does not include seven other recommendations of the Commission concerning the Department of Labor.

I fail to see how this is a divergence from the recommendations of the Commission. It is at best a failure to do the entire job at once. In that respect, I am satisfied by the explanation given to the House of Representatives on August 11, 1949, by the distinguished Representative from Ohio, the Honorable CLARENCE BROWN, who was a member of the Hoover Commission. He stated:

> Mr. Hoover and I realized the President could not send in all of his reorganization plans at once. In fact I believe this particular Reorganization Plan No. 2 is here rather as a side issue, as it were, and that it does not represent the President's complete reorganization plan for the Department of Labor. (CONGRESSIONAL RECORD, Aug. 11, 1949, p. 11303.)

The Hoover Commission brought in some 318 different recommendations and findings. Obviously they could not all be put into effect in a single plan or all at once. The Hoover Commission spent 2 years studying the subject of Government organization and bringing in these recommendations. We have merely 60 days to consider them. Under the circumstances, I am not at all sorry to find the plans coming up in small groups; nor do I consider it a divergence from the Hoover Commission's recommendations to adopt its recommendations one at a time, rather than all at once.

In connection with the failure of plan No. 2 to effect all the recommendations of the Hoover Commission with respect to the Department of Labor, I cannot help wondering how many persons who raised this as an objection to the plan would want transferred to the Department of Labor all the agencies and functions which the Hoover Commission has recommended be transferred to it.

Mr. President, I am satisfied that Reorganization Plan No. 2 is fully consistent with the recommendation of the Hoover Commission and properly implements the Commission's recommendation.

Furthermore, there is no question that the functions of the Bureau of Employment Security are much closer to those of the Department of Labor than to those of the Federal Security Agency. This was clearly demonstrated by the Brookings Institution task force report and by the Report of the Hoover Commission.

The Hoover Commission, adopting the findings of the Brookings Institution—task force report on public welfare, appendix P, pages 440–442—concluded that:

> Employment offices and unemployment compensation are more closely related to each other than to retirement or old-age assistance or educational programs. Both are Federal-State programs dealing with labor force conditions and labor-management relations. These programs have close operating relationships with other employment and labor functions in the Department of Labor—with the Bureau of Labor Statistics, Women's Bureau, the Bureau of Apprenticeship, Wage and Hour Division, the Bureau of Labor Standards, and the Bureau of Veterans' Reemployment Rights. Personnel for these functions all acquire the same basic training in labor and employee relations problems.
>
> The States themselves either place employment security in an industrial commission or labor department, in a department with other labor functions, or organize them independently. In no State are they merged with health, education, or welfare. In addition, more and more States are rewarding employers with good "experience" ratings in providing stable employment. This type of activity ties in directly with the kind of research and planning performed by the State labor agencies and by the Department of Labor, particularly that of its Bureau of Labor Statistics. (Report on the Department of Labor, pp. 13–14.)

In view of the findings of the Brookings Institution task force, what is the opposition to this plan, Mr. President? The report states—Report No. 852, page 7—that the opposition—

> was concerned chiefly with widespread employer distrust of the ability of the Department of Labor to operate either the United States Employment Service or the Employment Compensation Service on an impartial public-service basis.

Although I am sure these fears are real and are expressed in good faith, I do not

believe they are well-founded. I take that position for reasons which I have already set forth in the course of my remarks. Against these fears can be balanced some quite convincing facts. The Secretary of Labor testified before the committee that—

> During the 24 years when the Employment Service was in the Department of Labor employers did use it and on a constantly increasing scale. As a matter of fact, employers used the Employment Service more, as shown by job orders and placements in the official records of the Employment Service in the years 1945 to 1948 when the Employment Service was in the Department of Labor, than at any other peacetime year since the Wagner-Peyser Act was enacted in 1933.

No one was able to refute that statement.

In addition, Mr. Hoover testified before the committee on this subject. He stated:

> I do not believe that an employer ought to have any less confidence in the objectivity of the Labor Department than the Federal Security Agency. If there is such criticism the employer ought to realize that these bureaus placed in the Labor Department will be under the more vivid searchlight of public opinion than in the Federal Security Agency, whose major purposes are not related to the subject.
>
> My own view is that both sides would be better protected.

Mr. President, I agree with that appraisal of the situation by Mr. Hoover.

The report also notes—Report No. 852, page 7—that witnesses alleged that transfer of the Bureau of Employment Security to the Labor Department would result in eventual abolition of the experience-rating system, under which employers may receive reduction in their unemployment compensation tax rates if they achieve consistent employment records. Against these allegations must be weighed certain facts. First, the experience-rating system was created by Federal and State statutes. Only the Congress and the States can change or abolish experience-rating systems. Second, under the Federal Unemployment Tax Act, the Administrator of the program is limited in the exercise of his judgment to approving State statutes pertaining to unemployment compensation, including experience-rating systems. He has quite narrow discretion, as the Secretary of Labor admitted. Third, the Secretary of Labor testified that he has an open mind on the question of experience rating, and does not know what he would recommend to the Congress if he were asked. But a recommendation to Congress and action by Congress would be required. That is the point I wish to drive home in regard to the matter of experience ratings.

Mr. IVES. Mr. President, will the Senator yield on this point?

Mr. MORSE. I should like to conclude my remarks, and then I shall yield. I wish to keep within the time allotted to me.

The Secretary of Labor told the committee that he would consider very carefully the advice of the Federal Advisory Council on this subject. No one denied the Secretary's statement that the Federal Security Agency, on the other hand, has advocated the abolition of the system. Those who wish to see the experience rating system retained consequently have nothing to lose by the transfer of the Bureau of Employment Security to the Labor Department.

There were also allegations that the plan would not achieve economies but would increase costs. This was denied by the Federal officials affected and by the Director of the Bureau of the Budget who assured the committee that there would be no increase in costs for the same workload. I have no facts on which to base a contrary judgment. Nor do I have any reason to believe one is warranted. In fact, the Brookings Institution concluded that by reason of the transfer economies might be made with respect to employment statistics and employment outlook work—task force report, appendix P, pages 20, 413. Mr. Hoover, in testifying before the Senate Committee on Expenditures in the Executive Departments, said:

> I have the faith that this Bureau placed in the Department of Labor and associated with men who are familiar with the problems of labor, will get more economical handling than it will be as a sort of an orphan in the Social Security, where there are other and much more dominant activities.

I think that was a very clear statement of the situation.

Mr. President, I have not been convinced by the arguments against Reorganization Plan No. 2. In my opinion there is no sound basis for rejecting a plan so clearly implementing a logical and well-considered recommendation of the Hoover Commission.

I have carefully considered the objections of those employers who have expressed fears respecting the proposed transfer of the Bureau of Employment Security to the Department of Labor. I honestly believe their fears are, and will be proved, unfounded. In this respect I do not stand alone. Mr. Truman, Mr. Hoover, the other distinguished members of the Hoover Commission, with the exception of the able Senator from Arkansas, and the great majority of the House of Representatives, including Members on both sides of the aisle, share this view. I feel sure it is also shared by the majority of the Senators. I shall expect the Department of Labor to justify the confidence we are reposing in it.

I am satisfied further there is no basis for the fear that the experience-rating system will be damaged by this transfer. In regard to this point, I think the Department of Labor again has the obligation of justifying the confidence we are reposing in it. I take it for granted the Secretary of Labor will read the arguments which have been made in the course of the debate in connection with the experience-rating issue, and I am satisfied that on the basis of the testimony and the attitude taken by the Secretary of Labor at the time he appeared before the committee we are justified in the confidence that he will not make any recommendations in regard to the experience rating with out full disclosure of the pros and cons. It will then be the obligation of the Congress to take such action in respect to experience ratings as it believes the record at that time justifies.

I now yield to the Senator from New York.

Mr. IVES. Mr. President, the Senator from New York would like to ask the able Senator from Oregon whether he does not realize that under the interpretation of the term "other factors," found in section 1602, subdivision (a) (1), of the Internal Revenue Code, the Administrator or the administrating agency could almost wipe out—perhaps not completely—experience rating in any State of the Union?

Mr. MORSE. I have not studied that legal point in as much detail as I shall before rendering a judgment on that point of law. However, I am inclined to think that broad discretion does exist under the existing law.

Mr. IVES. That is exactly correct.

Mr. MORSE. And as the Senator from New York knows, the present Administrator has already expressed opposition to the experience rating.

Mr. IVES. The Senator from New York pointed that out in his remarks this morning. But the Senator from New York would like to ask the able Senator from Oregon whether he does not appreciate that that is the situation, under that particular section of the law?

Mr. MORSE. I do not deny that if some administrator wanted to exercise such an arbitrary discretion, he might have authority to exercise it, but I am not positive on that point as a matter of law. But if some administrator did exercise such discretion as the Senator from New York fears, I think he would very quickly find himself up against a congressional check.

Mr. IVES. There would be no congressional check, unless we were successful in obtaining passage of a bill.

Mr. MORSE. I do not think there is any question about our proceeding to take action if he exercised such arbitrary discretion.

Mr. IVES. The question might remain as to the determination of the Congress in that instance. I think the Senator himself will readily recognize that those matters are very controversial. We know the condition we are in at the present time, for instance, with respect to our calendar. A tremendous amount of damage might easily be done before any action at all could be taken by the Congress.

Mr. MORSE. I do not see that the argument advanced by the Senator from New York is an argument against plan No. 2. His suggestion has to do with a power that he alleges presently exists in the hands of the present Administrator, and which he fears the Administrator might exercise at some time. The Senator from New York ought to introduce a bill checking that discretion but not oppose Reorganization Plan No. 2.

Mr. IVES. Mr. President, the Senator from New York would like to point out that the present Administrator, though he has the authority, has not exercised it. But that does not mean that some Administrator in some other agency of the Government might not desire to do so, and might not dare to do so.

Mr. MORSE. Or that the present Administrator might not do it.

Mr. IVES. That is absolutely correct. There can be no argument about it. The fact still remains that, rightly or wrongly, a large portion of the small-business men of the country—I am not talking about the big fellows; I am talking about the little fellows—are definitely worried because they do not know what the attitude of the Department of Labor may be regarding the matter. They feel reasonably certain as to what may happen, so far as the present agency, the Federal Security Agency, is concerned. Perhaps their idea is not justified in either instance, but that is the way they feel.

Mr. MORSE. I have the greatest respect for the opinion of the Senator from New York on all issues, including this one. I completely disagree with him that the argument he has advanced is a good argument for voting against Reorganization Plan No. 2. It is a good argument in favor of the introduction by the Senator from New York of a bill which would meet the problem which concerns him so much. But I respectfully say that he should not oppose Reorganization Plan No. 2, because he fears that, at some time in the future, somebody might do something he wishes the law would make it impossible for him to do.

Mr. IVES. Mr. President, the Senator from New York would like to point out—and this is where the Senator from Oregon does not understand the attitude of the Senator from New York—that the Senator from New York does not have this fear. But the Senator from New York recognizes that the fear does exist, and it should be taken into consideration in this instance.

Mr. MORSE. No; I understand the Senator's argument. I simply do not think it is applicable to Reorganization Plan No. 2. It is applicable to the need for passing a bill which would prevent the accomplishment of the thing feared, which the Senator has pointed out to the Senate.

Mr. IVES. What would prevent the administering agency from withholding administrative funds? That is where he would exercise it.

Mr. MORSE. I understand the Senator's argument. I do not think it is a very good one in opposition to Reorganization Plan No. 2. We have plenty of checks on the use of funds by the Administrator and if he followed the course last suggested by the Senator from New York, I am sure our Appropriations Committee would take the matter up with the Administrator when he next came before the committee for a new appropriation.

TEMPORARY APPROPRIATIONS FOR THE FISCAL YEAR 1950

Mr. McKELLAR. Mr. President, will the Senator from Oregon yield to me for a moment?

The PRESIDING OFFICER. The time of the Senator from Oregon has expired.

Mr. HUMPHREY. Mr. President, in order to clarify the situation, I believe the distinguished leader of the opposition to the plan is willing to yield a few minutes to an advocate of it.

Mr. McCLELLAN. Mr. President, if the able Senator from Oregon wishes more time, I am glad to yield time to him.

Mr. MORSE. Then I yield to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, from the Committee on Appropriations, I report favorably, without amendment, House Joint Resolution 339, which has been passed by the House, making temporary appropriations for the fiscal year 1950. The joint resolution would permit the payment of Government employees until September 15. I ask unanimous consent for the immediate consideration of the joint resolution.

The PRESIDING OFFICER. The joint resolution will be read by title, for the information of the Senate.

The CHIEF CLERK. A joint resolution (H. J. Res. 339) amending an act making temporary appropriations for the fiscal year 1950, as amended, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the joint resolution was considered, ordered to a third reading, read the third time, and passed.

Mr. McKELLAR. Mr. President, I thank the Senator from Oregon and the Senator from Arkansas very much indeed.

REORGANIZATION PLAN NO. 2, 1949—TRANSFERRING THE BUREAU OF EMPLOYMENT SECURITY

The Senate resumed the consideration of the resolution (S. Res. 151) disapproving Reorganization Plan No. 2 of 1949.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. STENNIS in the chair). As the Chair understands, the Senator from Arkansas has further time at his disposal.

Mr. McCLELLAN. I do not care to take any further time.

The PRESIDING OFFICER. The absence of a quorum is suggested. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Anderson	Graham	Lucas
Baldwin	Green	McCarran
Bricker	Gurney	McCarthy
Bridges	Hayden	McClellan
Byrd	Hendrickson	McFarland
Cain	Hickenlooper	McKellar
Capehart	Hill	McMahon
Chapman	Hoey	Magnuson
Chavez	Holland	Malone
Connally	Humphrey	Martin
Cordon	Hunt	Maybank
Donnell	Ives	Miller
Douglas	Jenner	Millikin
Downey	Johnson, Colo.	Morse
Dulles	Johnson, Tex.	Mundt
Eastland	Johnston, S. C.	Murray
Ecton	Kefauver	Myers
Ellender	Kem	Neely
Ferguson	Kerr	O'Conor
Flanders	Kilgore	O'Mahoney
Frear	Knowland	Robertson
Fulbright	Langer	Russell
George	Lodge	Saltonstall
Gillette	Long	Schoeppel
Smith, Maine	Thomas, Okla.	Wherry
Smith, N. J.	Thomas, Utah	Wiley
Sparkman	Thye	Williams
Stennis	Tydings	Withers
Taft	Vandenberg	Young
Taylor	Watkins	

The PRESIDING OFFICER. A quorum is present.

The hour of 5 o'clock having arrived, the Senate will proceed to vote on Senate Resolution 151. The question is on agreeing to the resolution, which reads:

Resolved, That the Senate does not favor the Reorganization Plan No. 2 transmitted to Congress by the President on June 20, 1949.

Mr. HUMPHREY. Mr. President, is it not a fact that a vote "nay" on the resolution is in substance a vote in support of Reorganization Plan No. 2?

The PRESIDING OFFICER. The Senator is correct. The question is on agreeing to the resolution.

Mr. WHERRY. I ask for the yeas and nays.

The yeas and nays were ordered, and the roll was called.

Mr. MYERS. I announce that the Senator from Florida [Mr. PEPPER], who is absent by leave of the Senate on public business, is paired on this vote with the Senator from Kansas [Mr. REED]. If present and voting, the Senator from Florida would vote "nay" and the Senator from Kansas would vote "yea."

I announce further that, if present and voting, the Senator from Rhode Island [Mr. McGRATH], who is absent on public business, would vote "nay."

Mr. SALTONSTALL. I announce that the Senator from Vermont [Mr. AIKEN], who is absent by leave of the Senate, is paired with the Senator from Nebraska [Mr. BUTLER], who is absent by leave of the Senate. If present and voting, the Senator from Vermont would vote "nay" and the Senator from Nebraska would vote "yea."

The Senator from Maine [Mr. BREWSTER] is necessarily absent. The Senator from New Hampshire [Mr. TOBEY] is absent because of illness.

The Senator from Kansas [Mr. REED], who is absent by leave of the Senate, is paired with the Senator from Florida [Mr. PEPPER]. If present and voting, the Senator from Kansas would vote "yea" and the Senator from Florida would vote "nay."

The result was—yeas 32, nays 57, as follows:

YEAS—32

Bricker	George	Millikin
Bridges	Gurney	Mundt
Byrd	Hendrickson	Robertson
Cain	Hickenlooper	Saltonstall
Capehart	Hoey	Schoeppel
Cordon	Ives	Stennis
Donnell	Jenner	Taft
Dulles	Kem	Vandenberg
Eastland	McCarthy	Wherry
Ecton	McClellan	Wiley
Fulbright	Martin	

NAYS—57

Anderson	Ferguson	Holland
Baldwin	Flanders	Humphrey
Chapman	Frear	Hunt
Chavez	Gillette	Johnson, Colo.
Connally	Graham	Johnson, Tex.
Douglas	Green	Johnston, S. C.
Downey	Hayden	Kefauver
Ellender	Hill	Kerr

Kilgore	Malone	Smith, N. J.
Knowland	Maybank	Sparkman
Langer	Miller	Taylor
Lodge	Morse	Thomas, Okla.
Long	Murray	Thomas, Utah
Lucas	Myers	Thye
McCarran	Neely	Tydings
McFarland	O'Conor	Watkins
McKellar	O'Mahoney	Williams
McMahon	Russell	Withers
Magnuson	Smith, Maine	Young

NOT VOTING—7

Aiken	McGrath	Tobey
Brewster	Pepper	
Butler	Reed	

The PRESIDING OFFICER. On this question the yeas are 32, the nays are 57, and the resolution is not agreed to, not having received the affirmative vote of a majority of the authorized membership of the Senate.

REORGANIZATION PLAN NO. 7, 1949

The PRESIDING OFFICER. Under the order entered into on yesterday, the Chair lays before the Senate, Senate Resolution 155 disapproving Reorganization Plan No. 7 of 1949.

The Senate proceeded to consider the resolution (S. Res. 155) disapproving Reorganization Plan No. 7 of 1949, which is as follows:

Whereas Reorganization Plan No. 7 of 1949, transmitted to Congress on June 20, 1949, provided for the transfer of the Public Roads Administration to the Department of Commerce; and

Whereas there was subsequently enacted the Federal Property and Administrative Services Act of 1949 (Public Law 152), approved June 30, 1949, which abolished the Federal Works Agency and transferred all of its functions to the Administrator of General Services, and which changed the name of the Public Roads Administration to the Bureau of Public Roads and transferred all of its functions to the Administrator of General Services; and

Whereas Reorganization Plan No. 7 thus purports to affect agencies which do not in fact exist; and

Whereas section 9 (a) (1) of the Reorganization Act of 1949 (Public Law 109) provides, in substance, that any statute enacted in respect of any agency or function affected by a reorganization plan, before the effective date of such reorganization, shall have the same effect as if such reorganization had not been made; and

Whereas all doubt should be removed as to whether the above-cited statute has made such reorganization plan ineffective: Now, therefore, be it

Resolved, That the Senate does not favor the Reorganization Plan No. 7 transmitted to Congress by the President on June 20, 1949.

Mr. WHERRY. Mr. President, it is my understanding that under the unanimous-consent agreement previously entered into, Senate Resolution 155 is now being considered by the Senate. Will the Chair please make a statement respecting the division of time?

The PRESIDING OFFICER. Under the order previously entered into debate is limited to 1 hour. The time is controlled by the Senator from Arizona [Mr. HAYDEN], for the proponents of the resolution, and by the Senator from Arkansas [Mr. MCCLELLAN] for the opponents. Under the law the time is equally divided. It is now 12 minutes after 5 o'clock, so debate will continue until 12 minutes after 6.

Mr. HAYDEN. Mr. President, I submitted Senate Resolution 155 because I became firmly convinced that an act of Congress has superseded the reorganization plan, and that if the reorganization plan is not rejected there will be very grave confusion as to the state of the law.

I should like first to discuss the facts. The Congressional Directory shows that each of 27 Members of the Senate has served as governor of his State. I am sure all of them will confirm a statement of facts which I shall now make.

First, that the State highway department is an important, if not the most important public-works agency in any State.

Second, that the 27 Senators are all intimately acquainted with the fact of the close relationship between the Bureau of Public Roads and the State highway departments. That Bureau supervises all the Federal-aid projects in each State. That is to say, if a State submits a Federal-aid project, it must be approved by the Bureau of Public Roads before the work can begin, and then, in order for the State to obtain its share of Federal aid, the Bureau of Public Roads must again approve the construction of the project according to the plans.

Many of the former governors know of their own knowledge that in their States the Bureau of Public Roads actually constructs roads within national parks and in the national forests. They understand, therefore, that it is in truth and in fact a construction agency.

What happened with respect to the particular problem we have before us is this: The Commission on Organization of the Executive Branch of the Government appointed two task forces, one on transportation and one on public works. The task force on transportation recommended a Department of Transportation in the following language:

A Department of Transportation should be established to consolidate Government expenditure, programing, and operating functions into a single executive agency.

Then it recommended that the Office of Highway Transportation be created. This Office should carry out the Federal aid highway program, all Federal highway promotional activities, safety activities involving interstate motor carriers, and the maintenance of a motor vehicle inventory and war requirement estimates.

It further recommended:

(a) Federal aid activities would be transferred from the Public Roads Administration, Federal Works Agency.

The other task force, headed by Robert Moses, of New York, a very eminent engineer, recommended that a Department of Public Works be created, and that the Bureau of Public Roads be transferred to that Department.

The Commission in its report on reorganization of the Department of Commerce, rejected the recommendations of both the above task forces as to the establishment of either a Department of Transportation or a Department of Public Works, and instead made the following recommendation as to the Public Roads Administration:

The Public Roads Administration should be transferred from the Federal Works Agency to the Department.

The report in which the foregoing recommendation is made does not contain any specific data in support of the recommendation. I am convinced that it is based upon the fundamental fallacy that the Bureau of Public Roads is a transportation agency rather than a construction agency.

One does not have to look in the dictionary to know that "transportation" means the movement of things from one place to another. They can move by air, they can move by water, they can move over the land. If it were water transportation, a barge carrying goods could be engaged in transportation. If it were desired to regulate the river so that the barge could navigate it during all seasons of the year, the Corps of Engineers could build a great dam at the headwaters and conserve the floods so as to equate the flow or confine it to its banks by levees. But that would be construction. It would not be transportation.

The same is true of the Bureau of Public Roads. It provides a surface over which transportation may be carried, but does not engage in transportation itself. It is an engineering organization which determines what kind of road should be had, where the road should be located, the degree of curvature, the kind of surface, and many kindred questions. That is construction. In my judgment Mr. Moses and his task force were correct in assigning that work to a proposed works agency.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. CORDON. Can the Senator conceive of any activity which is delegated by law to the Department of Commerce, or which is engaged in by the Department of Commerce by virtue of any power delegated to it, which in any wise is so connected with, associated with, or has any relation to the Bureau of Public Roads as to permit of any integration, combination, or cooperation which would make for economy or efficiency in connection with the sort of transfer proposed in this plan?

Mr. HAYDEN. I cannot conceive of any such arrangement having that effect. Furthermore, the message transmitting this plan frankly confesses that it will not result in economy, which is one of the great objectives of the Hoover Commission.

Having this doubt, I asked the Legislative Reference Service of the Senate to look into the law on this question. I have great confidence in that Service. What stuck me more than anything else was Mr. Boots' comment on section 9 of the Reorganization Act. Section 9 (a) (1) of the Reorganization Act of 1949 reads as follows:

(1) Any statute enacted, and any regulation or other action made, prescribed, issued, granted, or performed in respect of or by any

agency or function affected by a reorganization under the provisions of this act, before the effective date of such reorganization, shall, except to the extent rescinded, modified, superseded, or made inapplicable by or under authority of law or by the abolition of a function, have the same effect as if such reorganization had not been made; but where any such statute, regulation, or other action has vested the functions in the agency from which it is removed under the plan, such function shall, insofar as it is to be exercised after the plan becomes effective, be considered as vested in the agency under which the function is placed by the plan.

Mr. Boots' comment is as follows:

While this provision is hedged about by a great deal of verbiage it would appear that it was designed to anticipate the case where, following the submission of a reorganization plan, Congress acted with respect to the agency or function affected in a manner inconsistent with the plan, and to make certain that in that situation the statute would have the same effect as if the reorganization had not been made.

What actually happened was that at the time this reorganization plan was submitted the House of Representatives had passed a bill creating the Federal Property and Administration Services, abolished the Public Works Administration, transferred the Public Roads Administration to the new agency created by law, and changed its name to the Bureau of Public Roads. That is the situation with which we are faced today.

I have very carefully read an opinion by Mr. Peyton Ford, Acting Attorney General, which was printed in the CONGRESSIONAL RECORD of yesterday, and I should like to submit some comments to the 65 lawyers in the Senate, who should be able to pass upon this question.

I have read the opinion of the Acting Attorney General with respect to the validity and effectiveness of Reorganization Plan No. 7 of 1949. It has not changed my opinion that this plan will not take effect upon the expiration of 60 days following its submission.

The Acting Attorney General lays great stress on the references in the President's message to the then pending Federal Property and Administrative Services Act of 1949 and particularly the President's reasons for including in section 4 of the plan the statement that the provisions of this reorganization plan shall become effective notwithstanding the status of the Public Roads Administration within the Federal Works Agency or within any other agency immediately prior to the effective date of this reorganization plan.

Leaving out of consideration the question as to whether Presidential messages make the law, and particularly whether messages transmitting reorganization plans are—as stated by the Acting Attorney General—an integral part of the plan, it would seem that the argument of the Acting Attorney General serves to emphasize the strength of the opposing argument which he is attempting to meet. That is, with the President's plan before it, and in the same document the President's message—although I would not regard it as an integral part thereof—the Congress saw fit to transfer the Public Roads Administration to an agency wholly different from the agency to which it is transferred under the plan. Every Senator knows that it is an elemental rule of statutory construction that where there is a conflict between two acts of Congress the most recently enacted statute takes precedence. It is so elemental that one Congress cannot bind another Congress that it hardly seems worth mentioning. How, then, can anyone argue that a reorganization plan and its accompanying message transmitted by the President to the Congress can take precedence over a subsequently enacted act of Congress, approved by the President, which is totally inconsistent with such plan?

That is exactly what happened here. The plan was submitted on the 20th of June, and on the 30th of June the new law went into effect.

With reference to the suggestion that the plan seeks to transfer from the nonexistent agency, the Federal Works Agency, another nonexistent agency, the Public Roads Administration, the Acting Attorney General suggests that the Reorganization Act deals primarily with functions and only secondarily with the transfer or abolition of agencies, and then goes on to point out that what is contemplated by Reorganization Plan No. 7 is the transfer of certain functions which at all times have remained in existence. I hesitate to say that the Reorganization Act deals only secondarily with the transfer or abolition of agencies. But in any event the fact remains that the plan transmitted to the Congress is not the plan that would be in effect upon the expiration of 60 days if the argument of the Acting Attorney General is correct. A plan to transfer an agency from the Federal Works Agency to the Department of Commerce is not a plan to transfer that agency from the General Services Agency to the Department of Commerce, any general statement in the plan to the contrary notwithstanding. Congress is entitled to 60 days' consideration of any plan transmitted to it, and the same considerations that might move a Member of Congress to favor a plan to transfer the Public Roads Administration from the Federal Works Agency to the Department of Commerce might not be effective with respect to a transfer from the General Services Agency.

I should be interested to know what the conclusion of the Acting Attorney General would be if instead of transferring the Public Roads Administration to the General Services Agency, the statute, Public Law 152, had split the Public Roads Administration and transferred part of it to the General Services Agency, part of it to the Department of the Interior, and part of it to the Department of Commerce. Could it be contended that the general statement in section 4 of the reorganization plan would have the effect of gathering up these component parts of the Public Roads Administration and bringing them together in the Department of Commerce when Congress had clearly indicated that it wanted only one segment of the agency in that department?

The Acting Attorney General refers to the suggestion that section 9 (a) (1) of the Reorganization Act of 1949 prevents the taking effect of Reorganization Plan No. 7 as based on an obvious misconstruction of that section. He points out that section 9 (a) (1) is clearly intended as a saving provision, designed to keep substantive authority and functions alive despite the fact that the power to exercise is transferred by the reorganization plan. Of course, there is no doubt that that was one purpose, perhaps the principal one, of section 9 (a) (1). But stripped of inapplicable language, the provision states unqualifiedly that any statute enacted in respect of any agency or function affected by a reorganization under the provisions of this act, before the effective date of such reorganization, shall have the same effect as if such reorganization had not been made.

In this connection the Acting Attorney General also refers to the so-called Taft amendment—section 5 (e) of the 1945 Reorganization Act—which reads as follows:

(e) If, since January 1, 1945, Congress has by law established the status of any agency in relation to other agencies or transferred any function to any agency, no reorganization plan shall provide for, and no reorganization under this act shall have the effect of, changing the status of such agency in relation to other agencies or of abolishing any such transferred function or providing for its exercise by or under the supervision of any other agency.

He states that this section in the 1945 act clearly restricts the power of the President to submit a plan which would have the effect of undoing recent congressional action and points out that no such provision is contained in the Reorganization Act of 1949. Of course, a reading of section 5 (e) indicates that it has much broader application than the Acting Attorney General intimates. The 1945 act was approved December 20, 1945; and thus section 5 (e) would prevent the President from changing the status of any agency if since January 1, 1945, Congress had established the status of that agency with relation to other agencies or transferred any function to any agency. Moreover, this section was inserted on the floor of the Senate, and I do not recall that the question as to whether it might cover a part of the field encompassed in section 9 (a) (1) of the 1949 act was analyzed or even debated. The 1945 act contained a similar provision.

The opinion under consideration also suggests that to reach a result adverse to the effectiveness of Reorganization Plan No. 7 would require a conclusion that the action of Congress in passing the Federal Property Act of 1949, in effect repealed the authority given to the President under the Reorganization Act, and suggests that implied repeals are not favored. However, on the other side of the picture, to reach a contrary conclusion would mean that the Congress had done a vain thing when it passed the Federal Property and Administrative Services Act. I do not believe that any such action should be attributed to the Congress in the absence of specific evidence to the contrary.

Finally the opinion suggests that there can be no question that the President the day after signing the Federal Property Act could have submitted a reorganization plan undoing the transfers effected by that act and the Congress would then have had 60 days within which to consider whether or not to disapprove such a proposal. It would seem that if the President wished to effect this transfer that is just the action that he should have taken.

Since I have argued that plan No. 7 would not take effect even though the Senate or the House fail to pass a resolution of disapproval prior to the expiration of the 60-day period after transmittal of such plan, Senators might logically ask me why I propose a resolution of disapproval. My answer to any such query is that I recognize that a forceful legal argument may be made on both sides of the question.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. LODGE. If this whole order is surplus and excess verbiage, why would it not be simpler to have the President withdraw it?

Mr. HAYDEN. It being a proposal recommended by the Hoover Commission, I think the President hesitated to withdraw it once it had been submitted to Congress. He would much prefer to have Congress determine what it will do with it.

That situation is exactly the same, as the Senator very well knows, as the situation with respect to the reorganization plan sent to Congress in connection with the Military Establishment. However, in that act provision was made that the act should take effect, and not the plan submitted. But that language was not in this statute, which leaves the confusion which I have been discussing.

While I personally feel that in view of the passage of the Federal Property and Administrative Services Act of 1949 subsequent to the time plan No. 7 was transmitted to Congress, the plan cannot take effect, I accord to the opinion of the Acting Attorney General the respect to which it is entitled; and I firmly believe that the only way we can clarify the situation at this late date is for the Senate to adopt this resolution of disapproval. If we do not disapprove the resolution and the administration attempts to make the plan effective by transferring the Bureau of Public Roads to the Department of Commerce, the Government will have this situation confronting them in the next 2 or 3 weeks.

In connection with the acquisition through condemnation proceedings for rights-of-way for Federal highways, the Secretary of Commerce will attempt to make the basic discretionary finding which is a statutory prerequisite to the institution of the condemnation proceedings.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. WHERRY. Did I correctly understand the Senator from Arizona to say that the Acting Attorney General was recommending that Congress disapprove the reorganization plan?

Mr. HAYDEN. No; I said the Acting Attorney General was recommending that Congress do not disapprove it.

Mr. WHERRY. Then how does the Senator from Arizona harmonize his position with the opinion of the Acting Attorney General?

Mr. HAYDEN. I do not. I disagree with the Acting Attorney General.

Mr. WHERRY. The Senator from Arizona disagrees with the Attorney General?

Mr. HAYDEN. I do.

I am pointing out the situation we shall be in if nothing is done. As I just said, in connection with the acquisition through condemnation proceedings for rights-of-way for Federal highways, the Secretary of Commerce will attempt to make the basic discretionary finding which is a statutory prerequisite to the institution of the condemnation proceedings. If not in that case, then in the next this authority will be challenged by the private land owner whose property is to be taken under such condemnation proceedings. Whether the courts will feel bound by the action of the Senate in failing to disapprove such plan is problematical. If the courts feel, as I do, that the plan has no legal effect because of the passage of the Federal Property and Administrative Services Act of 1949, the condemnation proceeding will be dismissed, and a chaotic condition will be created which we have now in our power to prevent. Even if the lower courts were to hold that the plan is in effect, there will be inevitable appeals in higher courts until the question is finally decided by the Supreme Court after a long period of litigation.

Therefore, Mr. President, it seems to me that the wise thing to do is for the Senate to reject this plan. Then if thereafter the President wishes to submit a plan which is not complicated by the conflicting legislation which applies to this plan, the Senate can agree to it.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr CORDON. Historically, was not the whole highway policy, adopted many years ago, predicated primarily on the necessity for an interstate, interconnected highway system, valuable primarily for national defense?

Mr. HAYDEN. That is the reason which induced President Wilson to sign the original Federal Highway Act.

Mr. CORDON. As a matter of fact, if we were going to examine the history of the national highway policy, if we were going to consider the basis upon which the major arterial highways have been designated and connected and constructed, and if we were going to insist upon the transfer to some department of what is one of the outstandingly efficient service organizations in the United States Government, it should properly go to the Department of Defense, should it not?

Mr. HAYDEN. Or, conversely, if the reasoning, which I believe to be fallacious, upon which this plan is based is correct, then the Corps of Engineers, since it has just as much to do with transportation as does the Public Roads Administration, should also be transferred to the Department of Commerce.

Mr. CORDON. Exactly. Would it not appear—as I think the Senator has suggested—that in the investigation made by the so-called Hoover Commission, inadequate consideration was given by the transportation section of that Commission to the basic authority and duties of the Public Roads Administration or, as it was formerly known, the Bureau of Public Roads, a construction agency, and in no sense a transportation agency?

Mr. HAYDEN. Yes.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. All time is to be divided between or allotted by the Senator from Arizona [Mr. HAYDEN] and the Senator from Arkansas [Mr. MCCLELLAN].

Mr. LODGE. Mr. President, I should like to ask a question.

Mr. McCLELLAN. I yield 5 minutes of my time to the Senator from Massachusetts.

Mr. LODGE. I still do not understand why the President does not withdraw this order, if it is merely a lot of excess verbiage. If it is excess verbiage, it seems to me the simple thing for him to do is to withdraw the order, and not make Congress go through the procedure of voting on it.

Mr. HAYDEN. I understand that. But if the President did that, he would do two things which he does not want to do: First, such action would be construed as discrediting the Hoover Commission's recommendation.

Mr. LODGE. How could that be?

Mr. HAYDEN. That is to say, having issued an order prior to the enactment of this statute, if the President were to withdraw it now because the statute had been enacted in the meantime, that action could be construed as an abandonment of the project by the President.

The other reason is also obvious: The President does not like to disregard the advice of the Acting Attorney General; and the Acting Attorney General has—in a very strained way, I think—endorsed the proposal that the plan, not the law, be in effect.

Mr. LODGE. Mr. President, the Senator from Arizona is one of the ablest and most lucid Members of this body; but he has not been very lucid in his reply to my question, because I do not think it in any way discredits the Hoover Commission to say that some event which has occurred subsequent to the time when the Hoover Commission made its recommendation, makes its recommendation obsolete. There is nothing insulting or discrediting about that, and I cannot believe that the President has such a mistaken sense of loyalty toward his Attorney General, or Acting Attorney General, that he will fail to withdraw something that is obsolete and that is excess verbiage, and will require us to go through all this procedure and then to vote. I think there must be

something about this matter that does not meet the eye.

Mr. HAYDEN. I say that the only way to remove the inconsistency would be for the President to withdraw the plan. Some good lawyer told me that the President doubted that he had the power to withdraw the order.

Mr. LODGE. We find good lawyers on all sides of questions, of course.

Mr. MARTIN. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield 5 minutes of my time to the Senator from Pennsylvania, if he wishes to have it.

Mr. MARTIN. I simply wish to ask a question. Does the Public Roads Administration do any actual construction, except in public parks?

Mr. HAYDEN. Oh, yes; the Public Roads Administration has supervised the construction of the Inter-American Highway through Mexico to Panama. It is now doing work for the State Department in Turkey and Greece. It supervised the construction of the Alaskan Highway during the war.

As the Senator has mentioned, it does, every year, substantial construction in both the national forests and the national parks, and I believe it does some work on the Indian reservations.

Mr. MARTIN. Mr. President, will the Senator yield for a further question?

Mr. HAYDEN. I yield.

Mr. MARTIN. So far as the relationship with the States is concerned, the Public Roads Administration does not do any construction work; does it?

Mr. HAYDEN. No; the theory of the Federal Highway Act from the beginning has been that the Federal Government would not build any State roads, but it would aid the States. The original act provided that unless a State had a State highway department—and half of the States did not have such departments at that time—it could not get the benefit of Federal aid. The State lets the contract; it lets it in accordance with specifications approved in advance by the Public Roads Administration. Then if the State builds the road in accordance with those specifications, the Public Roads Administration authorizes the making of the Federal payment to the State in the amount due.

Mr. ELLENDER. Mr. President, will the Senator yield for a question?

Mr. HAYDEN. I yield.

Mr. ELLENDER. Assuming that this proposal were legal, does the Senator feel that the Public Roads Administration should be transferred to the Department of Commerce?

Mr. HAYDEN. I do not, because, as indicated by the Senator from Oregon, the purpose of the Department of Commerce is to improve commerce and transportation. The Department of Commerce has nothing to do with the construction of roads.

My contention is that this is a construction agency, not a transportation agency. Therefore it does not belong in the Department of Commerce.

Mr. ELLENDER. So the main objection the Senator has is to transferring the roads agency from where it is now to the Department of Commerce. Is that correct?

Mr. HAYDEN. Exactly so.

Mr. MYERS. Mr. President——

Mr. McCLELLAN. I yield to the Senator from Pennsylvania.

Mr. MYERS. Only in the last moment have we heard anything about the merits of the proposed transfer. There may be real, good, and substantial argument as to the merits of the proposed transfer of the Public Roads Administration to the Department of Commerce, under this reorganization plan. However, the Senator from Arizona has devoted practically all his time to a discussion of the legality of the proposed transfer.

I certainly believe his legal argument is unsound. I base that opinion in large part on the opinion of the Acting Attorney General, addressed to the President, which appears on page 11565 of the CONGRESSIONAL RECORD under date of Tuesday, August 16.

The plan was forwarded to Congress on June 20, as I recall. The act transferring the functions of the Federal Works Agency, including the Public Roads Administration, to the new agency was enacted into law on June 30, some 10 days or so after the plan was sent to us.

The Senator from Arizona bases his legal argument on two premises, and I think both of them are fully and completely unsound, according to the opinion of the Acting Attorney General.

The Senator from Arizona bases his argument on the assumption that by reason of the abolition of the Federal Works Agency, as is set forth in the opinion of the Acting Attorney General, nothing remains upon which the President can exercise his power of reorganization.

The Acting Attorney General says:

> This assumption is untenable. The Reorganization Act of 1949, as was the case with previous reorganization acts, deals primarily with functions and only secondarily with the transfer or abolition of agencies.
>
> What is contemplated by Reorganization Plan No. 7 is the transfer of certain functions which at all times have remained in existence; functions which were not in their substance affected by the enactment of the Property Act of 1949. Plan No. 7 calls for the transfer of public-roads functions to the Department of Commerce. That is a result which can actually and legally be achieved despite the enactment of the Federal Property Act.

So says the acting Attorney General. He then goes on in his opinion to answer the second objection which has been raised to plan No. 7. He states:

> A second objection to plan No. 7 which has been raised is based on an interpretation of the provisions of section 9 (a) (1) of the Reorganization Act of 1949 to the effect that that section was designed to anticipate the case where, following the submission of a reorganization plan, the Congress acted with respect to the agency or function affected in a manner inconsistent with the plan, and to make certain that in that situation the statute would have the same effect as if the reorganization had not been made.

Mr. President, where the Senator from Arizona goes far afield is, I think, that he forgets that in the original Reorganization Act of 1945 there was also another section, called section 5 (e). If that section were still in the law, the Senator's argument might then be a valid one, because section 5 (a) of the 1945 act provided:

> If, since January 1, 1945, Congress has by law established the status of any agency in relation to other agencies or transferred any function—

As I say, Mr. President, that was done in the public law transferring the Public Roads Administration to the new agency.

> If, since January 1, 1945, Congress has by law established the status of any agency in relation to other agencies or transferred any function to any agency, no reorganization plan shall provide for, and no reorganization under this act shall have the effect of, changing the status of such agency in relation to other agencies or of abolishing any such transferred function or providing for its exercise by or under the supervision of any other agency.

But, Mr. President, the Senator from Arizona neglected to advise the Senate that the provisions contained in section 5 (e) was omitted from the 1949 act. Had it been included, his argument might have been valid. Section 9 (a) (1), the remaining section, is clearly intended, as the acting Attorney General stated, as a saving provision designed to keep substantive authority and functions alive, despite the fact that the power to exercise such authority or functions is transferred by the reorganization plan. The acting Attorney General has given some examples.

So, Mr. President, there might be objection to the merits of the transfer, but unfortunately there has been no debate on the merits. The merits, I believe, might be argued. But on the legal question I believe every Senator and every lawyer could well argue that the President has a perfect right through the reorganization plan to transfer the Public Roads Administration to the Commerce Department, despite the fact that the Congress adopted and passed the Federal Property Act of 1949, some 10 days subsequent to the submission of plan No. 7.

I reiterate, we certainly should not reject this plan merely because of the tenuous legal argument advanced by counsel for the legislative committee. I think we should give more thoughtful concern to the opinion of the acting Attorney General. Senators may well differ on the merits of the transfer, I repeat, but it is my firm opinion that the President certainly has every right under the law to send to the Congress Reorganization Plan No. 7, and, within the law, can well transfer the Public Roads Administration to the Department of Commerce.

Mr. McCLELLAN. Mr. President, I yield 5 minutes to the Senator from New Mexico [Mr. CHAVEZ].

Mr. CHAVEZ. Mr. President, I dislike to disagree with the acting majority leader even on legal matters, but I recall, once upon a time, when I was going to law school, our professor said, "If you do not know the answer to a legal proposition, then decide for yourself what it should be." He said, "When you are asked, 'What is the law'? give an answer as to what it should be." In this instance, we have the trained legal mind of the acting majority leader against an ordinary Senator from Arizona.

Mr. MYERS. I thank the Senator.

Mr. WHERRY. Not too ordinary a Senator.

Mr. CHAVEZ. With all due respect to the legal training of my friend from Pennsylvania, I still think there is more good law in the argument of the Senator from Arizona than in the argument of the Senator from Pennsylvania. It is true the discussion has turned to legal matters. I believe the merits of the proposition should be discussed and understood. As I look around at Senators who are kind enough to be listening t the debate, I know they are all in favor of good roads. This is a matter of good roads, purely and simply. It is nothing that has anything to do with legal arguments, either pro or con.

If Senators want good roads to continue, if they want an agency which has made good in this country, if they want the only agency which has the respect of the entire American people, they should leave the Bureau of Public Roads where it is, and where it belongs, to do its work. The Bureau of Public Roads, under the administration of the present Commissioner is known not only nationally but internationally. The Commissioner is respected not only in this country but abroad. If we go to any State in the Union, including Pennsylvania, we find the people are more interested in good roads than they are in any matter of legislation that may be presented to them. Good roads affect the farmer. They also affect the businessmen. They affect everyone in the entire country. The matter is simple. Has any Senator at any time heard the least suggestion that the Bureau of Public Roads as now constituted and directed has wasted a penny of the taxpayers' money? It is purely and simply a construction agency. It has nothing whatever to do with regulating commerce as between the State of Pennsylvania and the State of Ohio. It is interested in constructing good roads in Pennsylvania.

As stated by the Senator from Arizona, while it actually does not go on the ground, nevertheless it sees to it that the agency of the State of Pennsylvania carries out the provisions which Congress placed in the law. When decision is made as to a contribution by the Federal Government, it sees that the specifications are correct. It inspects the materials going into every foot of road.

Mr. President, I venture to say that there is not a Senator present who has as much respect for any other agency or department of the Federal Government as he has for the Bureau of Public Roads. So, why a change, as a matter of merit? Every department coming before the Committee on Appropriations has trouble. I have been a member of that committee for many years. The departments, including the Department of Commerce, have a difficult time selling their ideas. But there has never been one iota of doubt as to the honesty and sincerity of purpose or the honesty of administration of the Bureau of Public Roads.

If there is one Senator who has contributed greatly to the idea of public roads, it is the Senator from Arizona [Mr. HAYDEN]. If there is one Senator who sticks to the administration it is the Senator from Arizona. I succeeded him on the committee of this body which has to do with public roads. I am happy and proud of the fact that this body has selected me as chairman of the Committee on Public Works, which has jurisdiction over public roads. That committee has no politics. It is composed of Democrats and Republicans, but they are interested in public roads, and its members attempt to carry out the basic idea of the Senator from Arizona. The Senator from Arizona is a reasonable, honest, administration man. He tells the Senate that this plan is wrong. He has no ulterior motive, no politics in regard to it, no idea of gaining a few votes somewhere. For 33 years he has led this body and the other body in matters concerning public roads, and he asks the Senate to understand and to realize that this plan is not sound.

I have no reason to know why the President did not withdraw the plan. As a matter of fact, I have no reason to know why he submitted it.

Mr. MALONE. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. MALONE. I should like to ask the distinguished Senator from New Mexico, this being a Federal highway department which we are asked to transfer to the Department of Commerce, whether the Department of Commerce, which has been a good department, has ever had anything to do with public roads?

Mr. CHAVEZ. It never has had. It controls and regulates transportation, for example, on the Chesapeake & Ohio Railway between here and Chicago, or any other transportation as such; but it never has had anything to do with the construction of a public highway. It is all new to that department.

Mr. MALONE. Mr. President, if the Senator will yield for one further question, has there ever been a breath of scandal or anything derogatory with regard to the Bureau of Public Roads?

Mr. CHAVEZ. It is one agency which stands high before the legislative body and before the American people. There are possibly 24 or more Senators in this body who have been Governors of their States. I asked them whether, while they were cooperating and receiving the benefits of the Federal Government in the construction of roads, they had ever had any difficulty with the Bureau of Public Roads, and the reply was that they had not.

Mr. MALONE. Mr. President, will the Senator yield further?

Mr. CHAVEZ. I yield.

Mr. MALONE. I should like to say to the Senator that at one time I was State engineer of Nevada, and I have just discussed with the head of that department this transfer. Of course they would conform, but they can hardly imagine—and nearly all of them are technical men—dealing with the Department of Commerce, where there is no comparable establishment at all. How would the Department of Commerce conform to this entirely new policy and this entirely new organization?

Mr. CHAVEZ. They will have to make the best of it. They are not in position to conform. They will do it, of course, if we put the responsibility upon them. But the question is, purely and simply, do we believe in good roads? Do we want to continue an honest administration of good roads? Do we want the States to have good roads? Do we want to get the farmer out of the mud? All right. Let us keep the situation as it is.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. LODGE. Does the Senator think the Hoover Commission is opposed to good roads?

Mr. CHAVEZ. The Hoover Commission, in its report, did not recommend that the Bureau of Public Roads should not be a construction agency. As outlined by the Senator from Arizona, the task force of the Hoover Commission, headed by Mr. Moses, recommended that it be kept the way it is at this time.

Mr. MALONE. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. MALONE. In view of the question asked by the Senator from Massachusetts, I should like to ask, inasmuch as it is with great reluctance that I vote against any of the reorganization plans, because in 1947, we initiated that kind of action and we are highly in favor of anything that will bring about greater efficiency and some economy, whether as a matter of fact, the Hoover Commission ever recommended such a thing.

Mr. CHAVEZ. Not that I understand. That is all I care to say.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. MCCLELLAN] is recognized.

Mr. MCCLELLAN. Mr. President, if no other Senator wishes to speak on the resolution, I yield the time back to the Chair.

Mr. MYERS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Anderson	Hickenlooper	Millikin
Baldwin	Hill	Morse
Bricker	Holland	Mundt
Bridges	Humphrey	Murray
Byrd	Hunt	Myers
Cain	Ives	Neely
Capehart	Jenner	O'Connor
Chapman	Johnson, Colo.	O'Mahoney
Chavez	Johnson, Tex.	Robertson
Connally	Johnston, S. C.	Russell
Cordon	Kefauver	Saltonstall
Donnell	Kem	Schoeppel
Douglas	Kerr	Smith, Maine
Downey	Kilgore	Smith, N. J.
Dulles	Knowland	Sparkman
Eastland	Langer	Stennis
Ecton	Lodge	Taft
Ellender	Long	Taylor
Ferguson	McCarran	Thomas, Okla.
Flanders	McCarthy	Thomas, Utah
Frear	McClellan	Thye
Fulbright	McFarland	Tydings
George	McKellar	Vandenberg
Gillette	McMahon	Watkins
Graham	Magnuson	Wherry
Green	Malone	Wiley
Gurney	Martin	Williams
Hayden	Maybank	Withers
Hendrickson	Miller	Young

The PRESIDING OFFICER. A quorum is present. The question is on agreeing to Senate Resolution 155.

Mr. McCLELLAN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. A vote in the affirmative for the resolution is a vote to reject Reorganization Plan No. 7, is it not?

The PRESIDING OFFICER. The Senator is correct. The question is on agreeing to Senate Resolution 155, which disapproves Reorganization Plan No. 7 of 1949. A Senator who does not favor the plan of reorganization will vote "yea." A Senator who favors the plan of reorganization will vote "nay."

The hour at the end of which the vote would have been taken will expire at 12 minutes past 6. Is there objection to proceeding to vote at this time, 4 minutes after 6 o'clock? The Chair hears no objection.

Mr. WHERRY. Mr. President, the acting majority leader is not on the floor at the moment, and I hope the Members of the Senate will remain after the vote, because a unanimcus consent request will be presented relative to the debate on the nomination of Attorney General Clark, and with respect to the time at which the nomination will be voted on. I see the acting majority leader now in the Chamber, and I may state to him that the announcement was made yesterday by the majority leader that today there would be a recess from 6 until 7 o'clock for dinner, and that we would proceed with the consideration of the nomination after that time.

Mr. MYERS. I think all Senators are aware of the fact that after we conclude the voting on Reorganization Plan No. 7, it is the intention to call the Executive Calendar. There are on the Executive Calendar three treaties which I believe are noncontroversial. Then the noncontroversial nominations on the calendar will be called, and we will then proceed to the consideration of the nomination of Hon. Tom C. Clark to be Associate Justice of the Supreme Court of the United States. I understand that we will be able to secure a unanimous-consent agreement to recess after the nomination is made the pending business, to convene at 12 o'clock tomorrow and to vote on the nomination at 3:30 o'clock p. m. tomorrow. I shall present the unanimous-consent request after the vote on the reorganization plan.

The PRESIDING OFFICER. The yeas and nays have been ordered on Senate Resolution 155, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MYERS. I announce that the Senator from North Carolina [Mr. HOEY], who is absent on public business, would vote "yea," if present.

The Senator from Illinois [Mr. LUCAS], who is absent on public business, would vote "nay," if present.

The Senator from Florida [Mr. PEPPER] is absent by leave of the Senate on public business.

I announce further that, if present and voting, the Senator from Rhode Island [Mr. McGRATH], who is absent on public business, would vote "nay."

Mr. SALTONSTALL. I announce that the Senator from Vermont [Mr. AIKEN], who is absent by leave of the Senate, has a general pair with the Senator from Nebraska [Mr. BUTLER], who is absent by leave of the Senate.

The Senator from Maine [Mr. BREWSTER] is necessarily absent.

The Senator from New Hampshire [Mr. TOBEY] is absent because of illness.

The Senator from Kansas [Mr. REED] is absent by leave of the Senate.

The result was—yeas 40, nays 47, as follows:

YEAS—40

Bricker	Holland	Morse
Cain	Hunt	Mundt
Chapman	Johnson, Colo.	Murray
Chavez	Johnson, Tex.	Robertson
Connally	Johnston, S. C.	Sparkman
Cordon	Kerr	Stennis
Donnell	McCarran	Thomas, Okla.
Ecton	McClellan	Thomas, Utah
Ellender	McFarland	Watkins
George	McKellar	Wherry
Gurney	Magnuson	Wiley
Hayden	Malone	Withers
Hickenlooper	Maybank	
Hill	Millikin	

NAYS—47

Anderson	Hendrickson	Neely
Baldwin	Humphrey	O'Conor
Bridges	Ives	O'Mahoney
Byrd	Jenner	Russell
Capehart	Kefauver	Saltonstall
Douglas	Kem	Schoeppel
Downey	Kilgore	Smith, Maine
Dulles	Knowland	Smith, N. J.
Eastland	Langer	Taft
Ferguson	Lodge	Taylor
Flanders	Long	Thye
Frear	McCarthy	Tydings
Fulbright	McMahon	Vandenberg
Gillette	Martin	Williams
Graham	Miller	Young
Green	Myers	

NOT VOTING—9

Aiken	Hoey	Pepper
Brewster	Lucas	Reed
Butler	McGrath	Tobey

The PRESIDING OFFICER. On this vote the yeas are 40, the nays are 47. The resolution is not agreed to, not having received the affirmative votes of a majority of the authorized membership of the Senate.

HOFFMAN'S WARNING TO THE 19 MARSHALL PLAN COUNTRIES

Mr. FULBRIGHT. Mr. President, I shall take but 1 minute of the Senate's time. I particularly want to commend Mr. Paul Hoffman for a statement which he made in Paris yesterday to the 19 Marshall plan countries. His statement was made at a meeting of the Organization for European Economic Cooperation in Paris. I desire to read one sentence he is reported to have uttered to that conference. These are the words of Mr. Hoffman:

> I want to say again and again and again to you that now is the time when there must be proof of accomplishment in the direction of genuine cooperation by the European nations to the end that this become as rapidly as possible a single market.

I think that shows that finally, after a year and a half, the ECA has come around to the view that there must be some coordination and unification economically of Europe.

The same article in the Washington Post quotes Mr. Andre Philipp, a Frenchman, of Strasbourg, France, as saying that "discouragingly little progress" has been made under the Marshall plan and that Europe is more divided economically than ever before. But the statement of Mr. Hoffman at least shows that at long last the ECA has come around to the view which I have described; and I assume that our State Department has endorsed that policy.

INDEPENDENT OFFICES APPROPRIATIONS—MOTION TO RECONSIDER

Mr. DOUGLAS. Mr. President, I rise to enter a motion that the Senate reconsider the vote whereby this body agreed to the House amendment to Senate amendment numbered 46 to House bill 4177, the independent offices appropriation bill for 1950. I should like to have the privilege of making a brief statement to clarify the situation, if I may.

Mr. WHERRY. Mr. President, will the Senator yield so that I may ask the majority leader a question?

Mr. DOUGLAS. I yield.

Mr. WHERRY. Would it not be possible at this time to get a unanimous-consent agreement with respect to the nomination of Mr. Clark to be Associate Justice of the Supreme Court, and the nomination of the Senator from Rhode Island [Mr. McGRATH] to be Attorney General?

Mr. MYERS. I do not believe the Senator from Illinois will take very long. Other Senators have taken time.

Mr. DOUGLAS. Mr. President, I shall take not more than 10 minutes.

The parliamentary situation with respect to Senate amendment 46 to H. R. 4177, the independent offices' appropriation bill, seems to be as follows:

Senate amendment 46 would have appropriated $21,667,000 to the Office of Housing Expediter for administrative expenses required to administer the Housing and Rent Act of 1947, as amended most recently by Congress in the Housing and Rent Act of 1949, approved March 30 of this year.

The 1949 act added to the administrative duties of the Office of Housing Expediter. It required him to designate an officer for each area rent office as a small landlord-tenant helper to assist them in obtaining the rights afforded them by the act. It increased the responsibilities of that office by extending the scope of its authority to initiate legal action against violators of the law, directly through action to recover damages for rent overcharges and indirectly by reporting to the Attorney General of the United States cases where there appeared to be grounds for seeking injunctions against violation of any part of the Rent Control Act. It also placed in the Office of Housing Expediter the entire duty of regulating evictions. Under the Housing and Rent Act of 1948, the Housing Expediter had no authority to regulate evictions.

In view of the need for carrying out these and other duties, the Bureau of the Budget approved an amount of $26,750,000 for administrative expenses. The request for that amount was considered by the Senate Committee on Appropriations, which had before it for consideration H. R. 4177, the independent offices appropriation bill. This bill

had been reported from the House Committee on Appropriations on April 11, 1949, and passed by the House on April 14, too early for inclusion of a request for an appropriation for administrative expenses of the Office of Housing Expediter. The Office was in no position to request appropriations for the current fiscal year until passage of the Housing Act of 1949, which was not approved by both Houses until March 30, 1949.

After consideration, the Senate Committee reduced the recommended appropriation by 10 percent to $24,075,000 and included it in H. R. 4177 as Senate amendment 46.

During the debate in the Senate on July 29, 1949, this amount was further reduced on the motion of the senior Senator from New Hampshire [Mr. BRIDGES] to $21,667,000 by the extremely narrow margin of 3 votes, the count being 45 to 42. In other words, after an initial cut of 10 percent, the Senate made a further cut of about 10 percent.

In this form, amendment 46 went into conference and the conferees were unable to reach an agreement. It was reported in disagreement by the conferees in Conference Report No. 1262, dated August 12. In the statement of the managers on the part of the House, the managers stated that they would move to recede and concur in the Senate amendment with an amendment.

Such a motion was made by the gentleman from Texas [Mr. THOMAS] on August 15 and was agreed to without discussion or explanation. The effect of this amendment was to reduce the appropriation from $21,667,500 to $17,500,000, or a further reduction of approximately 20 percent from the preceding figure.

This action by the House was embodied in a message from the House, strangely dated August 14, announcing its action on six Senate amendments to H. R. 4177 on which the conferees were unable to reach agreement. This message was received in the Senate late in the day of August 15 and was acted upon immediately without explanation, although without objection. The distinguished senior Senator from Wyoming [Mr. O'MAHONEY] moved that the Senate concur in the House amendments to the six Senate amendments to H. R. 4177 covered by the message, with the exception of amendment 74 having to do with veterans' educational aids. That motion was agreed to. No discussion was had relative to amendment 46.

I have requested reconsideration of that action as it affects amendment 46 because I would feel remiss in my duties were I not to invite the attention of the Members of this distinguished body to the unfortunate results which would flow from slashing the appropriations for the Office of Housing Expediter to $17,500,000.

For the last fiscal year, appropriations of $22,222,200 were made to that office. Some of that amount was made in the form of deficiency appropriations. In view of the additional duties placed upon the Housing Expediter only a few months ago by this same Congress, I assume it was not the intention of the conferees or of this body that the Housing Expediter engage in a wholesale dismissal of personnel. Since Congress must expect him to execute the duties vested in him, I would guess it was probably the thought of the conferees that he should continue to employ the personnel needed for that purpose until decreases in personnel are made possible by the tapering-off of the areas in which Federal rent controls are still effective. In view of the sizable reduction in appropriations below those approved by the Senate, I gather the conferees must have expected these decreases in over-all duties to occur rapidly as the present date for expiration of Federal rent controls, June 30, 1950, approaches. I assume, and would appreciate being corrected if this is not the case, that should this substantial tapering-off of duties of the Office of Housing Expediter not occur, the Senate committee would entertain a request for such deficiency appropriations as may be justified in the light of conditions as they exist when the current appropriation shall have been exhausted.

I personally feel that despite these assumptions, the amount of $17,500,000 is not sufficient to enable the Office of Housing Expediter to do an adequate job of executing the Federal rent control laws.

I therefore enter a motion to reconsider the vote whereby the Senate agreed to the House amendment to Senate amendment No. 46 to H. R. 4177, the independent offices appropriation bill for 1950.

The PRESIDING OFFICER. The motion will be entered.

EXECUTIVE SESSION

Mr. MYERS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. (Mr. STENNIS in the chair). If there be no reports of committees, the clerk will proceed to state the business on the Executive Calendar.

INTERNATIONAL RECOGNITION OF RIGHTS IN AIRCRAFT—CONVENTION PASSED OVER

Executive E (81st Cong., 1st sess.), the Convention on the International Recognition of Rights in Aircraft, signed at Geneva on June 19, 1948, was announced as first in order.

Mr. MYERS. Mr. President, that treaty is to be passed over.

Mr. CONNALLY. Mr. President, this is a treaty which was handled in the subcommittee by the Senator from Florida [Mr. PEPPER]. It was thoroughly explained to the Foreign Relations Committee, and we think it should be ratified. It is not controversial. No one objected to it.

Mr. WHERRY. Mr. President, I had understood that the treaties to be considered were the remaining treaties on the calendar. Personally I have no objection to this particular treaty, but I should like very much to have an opportunity to consult with one or two Sentors who I know are vitally interested in the recognition of rights in aircraft before the treaty is approved. Would the Senator from Texas consent to allowing the treaty to go over until tomorrow?

Mr. CONNALLY. I shall be obliged to do so if the Senator from Nebraska so requests. There was no opposition in the committee to the treaty.

Mr. WHERRY. I understand that. However, one Senator asked me about the treaties to be considered, and I did not know that this treaty was to be considered. I understood that it was the remaining treaties which were to be considered.

Mr. CONNALLY. Very well.

The PRESIDING OFFICER. The treaty will be passed over.

INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES

The Senate, as in Committee of the Whole, proceeded to consider the convention, Executive N (81st Cong., 1st sess.), the International Convention for the Northwest Atlantic Fisheries, formulated at the International Northwest Atlantic Fisheries Conference and signed at Washington under date of February 8, 1949, by the plenipotentiaries of the United States of America and by the plenipotentiaries of certain other governments, which was read the second time, as follows:

INTERNATIONAL CONVENTION FOR THE NORTHWEST ATLANTIC FISHERIES

The Governments whose duly authorized representatives have subscribed hereto, sharing a substantial interest in the conservation of the fishery resources of the Northwest Atlantic Ocean, have resolved to conclude a convention for the investigation, protection and conservation of the fisheries of the Northwest Atlantic Ocean, in order to make possible the maintenance of a maximum sustained catch from those fisheries and to that end have, through their duly authorized representatives, agreed as follows:

ARTICLE I

1. The area to which this Convention applies, hereinafter referred to as "the Convention area", shall be all waters, except territorial waters, bounded by a line beginning at a point on the coast of Rhode Island in 71°40′ west longitude; thence due south to 39°00′ north latitude; thence due east to 42°00′ west longitude; thence due north to 59°00′ north latitude; thence due west to 44°00′ west longitude; thence due north to the coast of Greenland; thence along the west coast of Greenland to 78°10′ north latitude; thence southward to a point in 75°00′ north latitude and 73°30′ west longitude; thence along a rhumb line to a point in 69°00′ north latitude and 59°00′ west longitude; thence due south to 61°00′ north latitude; thence due west to 64°30′ west longitude; thence due south to the coast of Labrador; thence in a southerly direction along the coast of Labrador to the southern terminus of its boundary with Quebec; thence in a westerly direction along the coast of Quebec, and in an easterly and southerly direction along the coasts of New Brunswick, Nova Scotia, and Cape Breton Island to Cabot Strait; thence along the coasts of Cape Breton Island, Nova Scotia, New Brunswick, Maine, New Hampshire, Massachusetts, and Rhode Island to the point of beginning.

2. Nothing in this Convention shall be deemed to affect adversely (prejudice) the claims of any Contracting Government in regard to the limits of territorial waters or to the jurisdiction of a coastal state over fisheries.

3. The Convention area shall be divided into five sub-areas, the boundaries of which shall be those defined in the Annex to this Convention, subject to such alterations as may be made in accordance with the provisions of paragraph 2 of Article VI.

ARTICLE II

1. The Contracting Governments shall establish and maintain a Commission for the purposes of this Convention. The Commission shall be known as the International Commission for the Northwest Atlantic Fisheries, hereinafter referred to as "the Commission."

2. Each of the Contracting Governments may appoint not more than three Commissioners and one or more experts or advisers to assist its Commissioner or Commissioners.

3. The Commission shall elect from its members a Chairman and a Vice Chairman, each of whom shall serve for a term of two years and shall be eligible for re-election but not to a succeeding term. The Chairman and Vice Chairman must be Commissioners from different Contracting Governments.

4. The seat of the Commission shall be in North America at a place to be chosen by the Commission.

5. The Commission shall hold a regular annual meeting at its seat or at such place in North America as may be agreed upon by the Commission.

6. Any other meeting of the Commission may be called by the Chairman at such time and place as he may determine, upon the request of the Commissioner of a Contracting Government and subject to the concurrence of the Commissioners of two other Contracting Governments, including the Commissioner of a Government in North America.

7. Each Contracting Government shall have one vote which may be cast by any Commissioner from that Government. Decisions of the Commission shall be taken by a two-thirds majority of the votes of all the Contracting Governments.

8. The Commission shall adopt and amend as occasion may require, financial regulations and rules and by-laws for the conduct of its meetings and for the exercise of its functions and duties.

ARTICLE III

1. The Commission shall appoint an Executive Secretary according to such procedure and on such terms as it may determine.

2. The staff of the Commission shall be appointed by the Executive Secretary in accordance with such rules and procedures as may be determined and authorized by the Commission.

3. The Executive Secretary shall, subject to the general supervision of the Commission, have full power and authority over the staff and shall perform such other functions as the Commission shall prescribe.

ARTICLE IV

1. The Contracting Governments shall establish and maintain a Panel for each of the sub-areas provided for by Article I, in order to carry out the objectives of this Convention. Each Contracting Government participating in any Panel shall be represented on such Panel by its Commissioner or Commissioners, who may be assisted by experts or advisers. Each Panel shall elect from its members a Chairman who shall serve for a period of two years and shall be eligible for re-election but not to a succeeding term.

2. After this Convention has been in force for two years, but not before that time, Panel representation shall be reviewed annually by the Commission, which shall have the power, subject to consultation with the Panel concerned, to determine representation on each Panel on the basis of current substantial exploitation in the sub-area concerned of fishes of the cod group (*Gadiformes*), of flat-fishes (*Pleuronectiformes*), and of rosefish (*genus Sebastes*), except that each Contracting Government with coastline adjacent to a sub-area shall have the right of representation on the Panel for the sub-area.

3. Each Panel may adopt, and amend as occasion may require, rules of procedure and by-laws for the conduct of its meetings and for the exercise of its functions and duties.

4. Each Government participating in a Panel shall have one vote, which shall be cast by a Commissioner representing that Government. Decisions of the Panel shall be taken by a two-thirds majority of the votes of all the Governments participating in that Panel.

5. Commissioners of Contracting Governments not participating in a particular Panel shall have the right to attend the meetings of such Panel as observers, and may be accompanied by experts and advisers.

6. The Panels shall, in the exercise of their functions and duties, use the services of the Executive Secretary and the staff of the Commission.

ARTICLE V

1. Each Contracting Government may set up an Advisory Committee composed of persons, including fishermen, vessel owners and others, well informed concerning the problems of the fisheries of the Northwest Atlantic Ocean. With the assent of the Contacting Government concerned, a representative or representatives of an Advisory Committee may attend as observers all non-executive meetings of the Commission or of any Panel in which their Government participates.

2. The Commissioners of each Contracting Government may hold public hearings within the territories they represent.

ARTICLE VI

1. The Commission shall be responsible in the field of scientific investigation for obtaining and collating the information necessary for maintaining those stocks of fish which support international fisheries in the Convention area and the Commission may, through or in collaboration with agencies of the Contracting Governments or other public or private agencies and organizations or, when necessary, independently:

(a) make such investigations as it finds necessary into the abundance, life history and ecology of any species of aquatic life in any part of the Northwest Atlantic Ocean;

(b) collect and analyze statistical information relating to the current conditions and trends of the fishery resources of the Northwest Atlantic Ocean;

(c) study and appraise information concerning the methods for maintaining and increasing stocks of fish in the Northwest Atlantic Ocean;

(d) hold or arrange such hearings as may be useful or essential in connection with the development of complete factual information necessary to carry out the provisions of this Convention;

(e) conduct fishing operations in the Convention area at any time for purposes of scientific investigation;

(f) publish and otherwise disseminate reports of its findings and statistical, scientific and other information relating to the fisheries of the Northwest Atlantic Ocean as well as such other reports as fall within the scope of this Convention.

2. Upon the unanimous recommendation of each Panel affected, the Commission may alter the boundaries of the sub-areas set out in the Annex. Any such alteration shall forthwith be reported to the Depositary Government which shall inform the Contracting Governments, and the sub-areas defined in the Annex shall be altered accordingly.

3. The Contracting Governments shall furnish to the Commission, at such time and in such form as may be required by the Commission, the statistical information referred to in paragraph 1 (b) of this Article.

ARTICLE VII

1. Each Panel established under Article IV shall be responsible for keeping under review the fisheries of its sub-area and the scientific and other information relating thereto.

2. Each Panel, upon the basis of scientific investigations, may make recommendations to the Commission for joint action by the Contracting Governments on the matters specified in paragraph 1 of Article VIII.

3. Each Panel may recommend to the Commission studies and investigations within the scope of this Convention which are deemed necessary in the development of factual information relating to its particular sub-area.

4. Any Panel may make recommendations to the Commission for the alteration of the boundaries of the sub-areas defined in the Annex.

5. Each Panel shall investigate and report to the Commission upon any matter referred to it by the Commission.

6. A Panel shall not incur any expenditure except in accordance with directions given by the Commission.

ARTICLE VIII

1. The Commission may, on the recommendations of one or more Panels, and on the basis of scientific investigations, transmit to the Depositary Government proposals, for joint action by the Contracting Governments, designed to keep the stocks of those species of fish which support international fisheries in the Convention area at a level permitting the maximum sustained catch by the application, with respect to such species of fish, of one or more of the following measures:

(a) establishing open and closed seasons;

(b) closing to fishing such portions of a sub-area as the Panel concerned finds to be a spawning area or to be populated by small or immature fish;

(c) establishing size limits for any species;

(d) prescribing the fishing gear and appliances the use of which is prohibited;

(e) prescribing an over-all catch limit for any species of fish.

2. Each recommendation shall be studied by the Commission and thereafter the Commission shall either

(a) transmit the recommendation as a proposal to the Depositary Government with such modifications or suggestions as the Commission may consider desirable, or

(b) refer the recommendation back to the Panel with comments for its reconsideration.

3. The Panel may, after reconsidering the recommendation returned to it by the Commission, reaffirm that recommendation, with or without modification.

4. If, after a recommendation is reaffirmed, the Commission is unable to adopt the recommendation as a proposal, it shall send a copy of the recommendation to the Depositary Government with a report of the Commission's decision. The Depositary Government shall transmit copies of the recommendation and of the Commission's report to the Contracting Governments.

5. The Commission may, after consultation with all the Panels, transmit proposals to the Depositary Government within the scope of paragraph 1 of this Article affecting the Convention area as a whole.

6. The Depository Government shall transmit any proposal received by it to the Contracting Governments for their consideration and may make such suggestions as will facilitate acceptance of the proposal.

7. The Contracting Governments shall notify the Depositary Government of their acceptance of the proposal, and the Depositary Government shall notify the Contracting

Governments of each acceptance communicated to it, including the date of receipt thereof.

8. The proposal shall become effective for all Contracting Governments four months after the date on which notifications of acceptance shall have been received by the Depositary Government from all the Contracting Governments participating in the Panel or Panels for the sub-area or sub-areas to which the proposal applies.

9. At any time after the expiration of one year from the date on which a proposal becomes effective, any Panel Government for the sub-area to which the proposal applies may give to the Depositary Government notice of the termination of its acceptance of the proposal and, if that notice is not withdrawn, the proposal shall cease to be effective for that Panel Government at the end of one year from the date of receipt of the notice by the Depositary Government. At any time after a proposal has ceased to be effective for a Panel Government under this paragraph, the proposal shall cease to be effective for any other Contracting Government upon the date a notice of withdrawal by such Government is received by the Depositary Government. The Depositary Government shall notify all Contracting Governments of every notice under this paragraph immediately upon the receipt thereof.

ARTICLE IX

The Commission may invite the attention of any or all Contracting Governments to any matters which relate to the objectives and purposes of this Convention.

ARTICLE X

1. The Commission shall seek to establish and maintain working arrangements with other public international organizations which have related objectives, particularly the Food and Agriculture Organization of the United Nations and the International Council for the Exploration of the Sea, to ensure effective collaboration and coordination with respect to their work and, in the case of the International Council for the Exploration of the Sea, the avoidance of duplication of scientific investigations.

2. The Commission shall consider, at the expiration of two years from the date of entry into force of this Convention, whether or not it should recommend to the Contracting Governments that the Commission be brought within the framework of a specialized agency of the United Nations.

ARTICLE XI

1. Each Contracting Government shall pay the expenses of the Commissioners, experts and advisers appointed by it.

2. The Commission shall prepare an annual administrative budget of the proposed necessary administrative expenditures of the Commission and an annual special projects budget of proposed expenditures on special studies and investigations to be undertaken by or on behalf of the Commission pursuant to Article VI or by or on behalf of any Panel pursuant to Article VII.

3. The Commission shall calculate the payments due from each Contracting Government under the annual administrative budget according to the following formula:

(a) from the administrative budget there shall be deducted a sum of 500 United States dollars for each Contracting Government;

(b) the remainder shall be divided into such number of equal shares as corresponds to the total number of Panel memberships;

(c) the payment due from any Contracting Government shall be the equivalent of 500 United States dollars plus the number of shares equal to the number of Panels in which that Government participates.

4. The Commission shall notify each Contracting Government the sum due from that Government as calculated under paragraph 3 of this Article and as soon as possible thereafter each Contracting Government shall pay to the Commission the sum so notified.

5. The annual special projects budget shall be allocated to the Contracting Governments according to a scale to be determined by agreement among the Contracting Governments, and the sums so allocated to any Contracting Government shall be paid to the Commission by that Government.

6. Contributions shall be payable in the currency of the country in which the seat of the Commission is located, except that the Commission may accept payment in the currencies in which it may be anticipated that expenditures of the Commission will be made from time to time, up to an amount established each year by the Commission in connection with the preparation of the annual budgets.

7. At its first meeting the Commission shall approve an administrative budget for the balance of the first financial year in which the Commission functions and shall transmit to the Contracting Governments copies of that budget together with notices of their respective allocations.

8. In subsequent financial years, the Commission shall submit to each Contracting Government drafts of the annual budgets together with a schedule of allocations, not less than six weeks before the annual meeting of the Commission at which the budgets are to be considered.

ARTICLE XII

The Contracting Governments agree to take such action as may be necessary to make effective the provisions of this Convention and to implement any proposals which become effective under paragraph 8 of Article VIII. Each Contracting Government shall transmit to the Commission a statement of the action taken by it for these purposes.

ARTICLE XIII

The Contracting Governments agree to invite the attention of any Government not a party to this Convention to any matter relating to the fishing activities in the Convention area of the nationals or vessels of that Government which appear to affect adversely the operations of the Commission or the carrying out of the objective of this Convention.

ARTICLE XIV

The Annex, as attached to this Convention and as modified from time to time, forms an integral part of this Convention.

ARTICLE XV

1. This Convention shall be ratified by the signatory Governments and the instruments of ratification shall be deposited with the Government of the United States of America, referred to in this Convention as the "Depositary Government".

2. This Convention shall enter into force upon the deposit of instruments of ratification by four signatory Governments, and shall enter into force with respect to each Government which subsequently ratifies on the date of the deposit of its instrument of ratification.

3. Any Government which has not signed this Convention may adhere thereto by a notification in writing to the Depositary Government. Adherences received by the Depositary Government prior to the date of entry into force of this Convention shall become effective on the date this Convention enters into force. Adherences received by the Depositary Government after the date of entry into force of this Convention shall become effective on the date of receipt by the Depositary Government.

4. The Depositary Government shall inform all signatory Governments and all adhering Governments of all ratifications deposited and adherences received.

5. The Depositary Government shall inform all Governments concerned of the date this Convention enters into force.

ARTICLE XVI

1. At any time after the expiration of ten years from the date of entry into force of this Convention, any Contracting Government may withdraw from the Convention on December thirty-first of any year by giving notice on or before the preceding June thirtieth to the Depositary Government which shall communicate copies of such notice to the other Contracting Governments.

2. Any other Contracting Government may thereupon withdraw from this Convention on the same December thirty-first by giving notice to the Depositary Government within one month of the receipt of a copy of a notice of withdrawal given pursuant to paragraph 1 of this Article.

ARTICLE XVII

1. The original of this Convention shall be deposited with the Government of the United States of America, which Government shall communicate certified copies thereof to all the signatory Governments and all the adhering Governments.

2. The Depositary Government shall register this Convention with the Secretariat of the United Nations.

3. This Convention shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter.

In witness whereof the undersigned, having deposited their respective full powers, have signed this Convention.

Done in Washington this eighth day of February 1949 in the English language.

For Canada:
STEWART BATES
For Denmark:
B DINESEN
For France:
With a reservation excluding paragraph 2 of Article I
M TERRIN
For Iceland:
THOR THORS
For Italy:
ALBERTO TARCHIANI
For His Majesty's Government in the United Kingdom and the Government of Newfoundland in respect of Newfoundland:
R GUSHUE
W. TEMPLEMAN
For Norway:
KLAUS SUNNANAA
GUNNAR ROLLEFSEN
OLAV LUND
For Portugal:
MANUEL CARLOS QUINTÃO MEYRELLES
ALFREDO DE MAGALHÃES RAMALHO
JOSÉ AUGUSTO CORREIA DE BARROS
AMÉRICO ÂNGELO TAVARES DE ALMEIDA
Cap. frag.
For Spain:
Reserving paragraph 2 of Article I
GERMÁN BARÁIBAR
For the United Kingdom of Great Britain and Northern Ireland:
A. T. A. DOBSON
A. J. AGLEN
For the United States of America:
W. M. CHAPMAN
WILLIAM E. S. FLORY
HILARY J. DEASON
FREDERICK L. ZIMMERMANN

ANNEX

1. The sub-areas provided for by Article I of this Convention shall be as follows:

Sub-area 1—That portion of the Convention area which lies to the north and east of a rhumb line from a point in 75°00′ north latitude and 73°30′ west longitude to a point in 69°00′ north latitude and 59°00′ west longitude; east of 59°00′ west longitude; and to the north and east of a rhumb line from a point in 61°00′ north latitude and 59°00′ west longitude to a point in 52°15′ north latitude and 42°00′ west longitude.

Sub-area 2—That portion of the Convention area lying to the south and west of sub-area 1 defined above and to the north of the parallel of 52°15′ north latitude.

Sub-area 3—That portion of the Convention area lying south of the parallel of 52°15′ north latitude; and to the east of a line extending due north from Cape Bauld on the north coast of Newfoundland to 52°15′ north latitude; to the north of the parallel of 39°00′ north latitude; and to the east and north of a rhumb line extending in a northwesterly direction which passes through a point in 43°30′ north latitude, 55°00′ west longitude, in the direction of a point in 47°50′ north latitude, 60°00′ west longitude, until it intersects a straight line connecting Cape Ray, on the coast of Newfoundland, with Cape North on Cape Breton Island; thence in a northeasterly direction along said line to Cape Ray.

Sub-area 4—That portion of the Convention area lying to the west of sub-area 3 defined above, and to the east of a line described as follows: beginning at the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel, at a point in 44°46′ 35.34″ north latitude, 66°54′ 11.23″ west longitude; thence due south to the parallel of 43°50′ north latitude; thence due west to the meridian of 67°40′ west longitude; thence due south to the parallel of 42°20′ north latitude; thence due east to a point in 66°00′ west longitude; thence along a rhumb line in a southeasterly direction to a point in 42°00′ north latitude, 65°40′ west longitude; thence due south to the parallel of 39°00′ north latitude.

Sub-area 5—That portion of the Convention area lying west of the western boundary of sub-area 4 defined above.

2. For a period of two years from the date of entry into force of this Convention, Panel representation for each sub-area shall be as follows:

(a) *Sub-area 1*—Denmark, France, Italy, Norway, Portugal, Spain, United Kingdom;

(b) *Sub-area 2*—Denmark, France, Italy, Newfoundland;

(c) *Sub-area 3*—Canada, Denmark, France, Italy, Newfoundland, Portugal, Spain, United Kingdom;

(d) *Sub-area 4*—Canada, France, Italy, Newfoundland, Portugal, Spain, United States;

(e) *Sub-area 5*—Canada, United States; it being understood that during the period between the signing of this Convention and the date of its entry into force, any signatory or adhering Government may, by notification to the Depositary Government, withdraw from the list of members of a Panel for any sub-area or be added to the list of members of the Panel for any sub-area on which it is not named. The Depositary Government shall inform all the other Governments concerned of all such notifications received and the memberships of the Panels shall be altered accordingly.

INTERNATIONAL NORTHWEST ATLANTIC FISHERIES CONFERENCE, WASHINGTON, JANUARY 26 THROUGH FEBRUARY 8, 1949

FINAL ACT

The Governments of Canada, Denmark, France, Iceland, Italy, Newfoundland, Norway, Portugal, Spain, the United Kingdom of Great Britain and Northern Ireland and the United States of America, represented by plenipotentiary delegations, having accepted the invitation extended to them by the Government of the United States of America to participate in an International Northwest Atlantic Fisheries Conference; and

The Food and Agriculture Organization of the United Nations and the International Council for the Exploration of the Sea, having accepted the invitation extended to them by the Government of the United States of America to send observers to the said Conference;

Appointed their respective representatives, who are listed below by countries, and by organizations, in the order of alphabetical precedence:

CANADA

Delegate

Stewart Bates, Deputy Minister of Fisheries, Department of Fisheries—*Chairman*

Alternate Delegate

A. W. H. Needler, Assistant Deputy Minister of Fisheries, Department of Fisheries

Advisers

S. V. Ozere, Legal Adviser, Department of Fisheries

F. M. Tovell, Department of External Affairs

Secretary

F. H. Wooding, Information Officer, Department of Fisheries

DENMARK

Delegates

B. Dinesen, Head of Department, Ministry of Fisheries—*Chairman*

A. Vedel Täning, Head of Section, Commission for Denmark's Fisheries and Ocean Research.

Commodore Fritz Hammer Kjølsen, Naval Attaché, Embassy of Denmark, Washington

Laurids Thygesen, Chairman, West-Jutland Fisheries Association

Christian Djurhuus, Member, Local Government, Faroe Islands

Poul Marinus Hansen, Fisheries Biologist to the Administration of Greenland

Niels Bjerregaard, Chairman, Danish Fisheries Association

FRANCE

Delegates

Marius Terrin, Directeur des Pêches, Maritimes au Ministère de la Marine Marchande—*Chairman*

Jean Joseph Le Gall, Directeur de l'Office Scientifique et Technique des Pêches Maritimes

Robert Baudouy, Directeur par interim des Unions Internationales au Ministère des Affaires Etrangéres

Captain Louis J. Audigou, Administrateur en chef de l'Inscription Maritime, Washington

Andre Dezeustre, Mission de la Marine Marchande aux U. S. A., Bath Iron Works Corporation, Bath, Maine

ICELAND

Delegates

Thor Thors, Minister to the United States—*Chairman*

H. G. Andersen, Legal Adviser, Foreign Office

Arni Fridriksson, Director of the Fishery Department, University Research Institute, Reykjavik, Iceland

ITALY

Delegates

Alberto Tarchiani, Ambassador to the United States—*Chairman*

Clemente Boniver, Commercial Counselor, Embassy of Italy, Washington

Gian Vincenzo Soro, First Secretary, Embassy of Italy, Washington

Aldo Ziglioli, Assistant Commercial Attaché, Embassy of Italy, Washington

Salvatore Ippia, First Commercial Secretary, Embassy of Italy, Washington

NEWFOUNDLAND

Delegates

Raymond Gushue, Chairman, Newfoundland Fisheries Board—*Chairman*

Dr. W. Templeman, Director, Newfoundland Government Laboratory

NORWAY

Delegates

Klaus Sunnanaa, Director of Fisheries, Directorate of Fisheries—*Chairman*

Gunnar Rollefsen, Director of Institute of Marine Research, Directorate of Fisheries

Olav Lund, Division Chief, Directorate of Fisheries

Technical Advisers

Finn Bryhni, Norwegian Fisherman's Union

Knut Vartdal, Aalesund Shipowner Association

Eigil Nygaard, Counselor, Embassy of Norway, Washington

Magne Oppedal, Commercial Attaché, Embassy of Norway, Washington

PORTUGAL

Delegates

Rear Admiral Manuel C. Meyrelles, President of the Central Commission on Fisheries—*Chairman*

Dr. Alfredo M. Ramalho, Director, Government Marine Biology Station

Dr. Correia de Barros, Vice-President of Court of Accounting, Treasury Department

Captain Tavares de Almeida, Fishery Department

SPAIN

Delegates

Germán Baráibar, Minister Plenipotentiary and Chargé d'Affaires ad interim, Embassy of Spain, Washington—*Chairman*

Capitán de Navío Alvaro Guitián, Naval Attaché, Embassy of Spain, Washington

José Miguel Ruiz Morales, First Secretary of Embassy, Dirección General de Politica Económica, Ministry of Foreign Affairs, Madrid

Pedro Díaz de Espada, Shipowner, San Sebastian

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Delegates

A. T. A. Dobson, Adviser, Ministry of Agriculture and Fisheries—*Chairman*

A. J. Aglen, Fisheries Secretary, Scottish Home Department

Advisers

J. S. Fawcett, Legal Adviser, British Embassy, Washington

S. J. Holt, Scientific Officer, Ministry of Agriculture and Fisheries

Dr. C. E. Lucas, Director, Fisheries Research, Scottish Home Department

P. J. Macfarlan, Assistant Agricultural Attaché, British Embassy, Washington

D. C. Tebbit, Second Secretary, British Embassy, Washington

R. S. Wimpenny, Deputy Director, Fisheries Research, Ministry of Agriculture and Fisheries

UNITED STATES OF AMERICA

Delegates

Wilbert M. Chapman, Special Assistant to the Under Secretary for Fisheries and Wildlife, Department of State—*Chairman*

William E. S. Flory, Deputy Special Assistant to the Under Secretary for Fisheries and Wildlife, Department of State

Hilary J. Deason, Chief, Office of Foreign Activities, Fish and Wildlife Service, Department of the Interior

Frederick L. Zimmermann, Consultant on Fisheries and Wildlife, Department of State

Advisers

Thomas Fulham, President, Federated Fishing Boats of New England and New York, Incorporated

Wayne D. Heydecker, Secretary-Treasurer, Atlantic States Marine Fisheries Commission, New York City

Milton C. James, Assistant Director, Fish and Wildlife Service, Department of the Interior

Captain Harold C. Moore, Coordinator for Interdepartmental and International Affairs, United States Coast Guard, Department of the Treasury

Patrick McHugh, Secretary-Treasurer, Atlantic Fishermen's Union (A. F. L.), Boston, Massachusetts

Richard Reed, Commissioner, Sea and Shore Fisheries, State of Maine

Secretary

Edward Castleman, Office of the Special Assistant to the Under Secretary for Fisheries and Wildlife, Department of State

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

Observers

Dr. D. B. Finn, Director, Fisheries Division
Dr. J. L. Kask, Chief, Biological Branch, Fisheries Division

INTERNATIONAL COUNCIL FOR THE EXPLORATION OF THE SEA

Observers

A. T. A. Dobson, First Vice-President of the International Council for the Exploration of the Sea

Dr. Alfredo M. Ramalho, Vice-President of the International Council for the Exploration of the Sea

The Conference met at Washington on January 26, 1949, under the Temporary Chairmanship of Wilbert M. Chapman, Chairman of the Delegation of the United States of America.

Under the authority of the President of the United States of America the following officers were designated: Clarke L. Willard, Associate Chief, Division of International Conferences, Department of State, Secretary General of the Conference; Charles I. Bevans, Deputy Assistant for Treaty Affairs, Office of the Legal Adviser, Department of State, Treaty Adviser to the Conference; and Donald J. Chaney, Chief Counsel, Fish and Wildlife Service, Department of the Interior, Technical Secretary of the Conference.

At the opening session the Conference agreed unanimously to accept the staff members of the Secretariat provided by the Government of the United States of America.

Wilbert M. Chapman, Chairman of the Delegation of the United States of America, was elected Permanent Chairman of the Conference at the first session held on January 26, 1949, and Klaus Sunnanaa, Chairman of the Delegation of Norway was elected Vice Chairman of the Conference at the same session.

The general committees established by the Rules of Procedure adopted provisionally at the opening session were constituted as follows:

EXECUTIVE COMMITTEE

Wilbert M. Chapman (United States)—Chairman
Stewart Bates (Canada)
B. Dinesen (Denmark)
Marius Terrin (France)
Thor Thors (Iceland)
Alberto Tarchiani (Italy)
Raymond Gushue (Newfoundland)
Klaus Sunnanaa (Norway)
Rear Admiral Manuel C. Meyrelles (Portugal)
Germán Baráibar (Spain)
A. T. A. Dobson (United Kingdom)
William E. S. Flory (United States)
Arthur C. Nagle—Secretary

COMMITTEE ON CREDENTIALS

Marius Terrin (France)—Chairman
Stewart Bates (Canada)
German Baraibar (Spain)
Charles I. Bevans—Secretary

The following technical committees were appointed under authorization of unanimous votes of the Conference:

COMMITTEE ON DRAFTING

A. T. A. Dobson (United Kingdom)—Chairman
Stewart Bates (Canada)
B. Dinesen (Denmark)
Marius Terrin (France)
H. G. Andersen (Iceland)
Gian Vincenzo Soro (Italy)
Raymond Gushue (Newfoundland)
Klaus Sunnanaa (Norway)
Dr. Correia de Barros (Portugal)
Germán Baráibar (Spain)
A. J. Aglen (United Kingdom)
Wilbert M. Chapman (United States)
Barbara S. Williams—Secretary

COMMITTEE ON BIOLOGY

A. W. H. Needler (Canada)—*Chairman*
A. Vedel Täning (Denmark)
Poul Hansen (Denmark)
Jean Joseph Le Gall (France)
Arni Fridriksson (Iceland)
W. Templeman (Newfoundland)
Gunnar Rollefsen (Norway)
Alfredo M. Ramalho (Portugal)
José Miguel Ruiz Morales (Spain)
Pedro Díaz de Espada (Spain)
S. J. Holt (United Kingdom)
C. E. Lucas (United Kingdom)
R. S. Wimpenny (United Kingdom)
Hilary J. Deason (United States)
Milton C. James (United States)
Howard A. Schuck—Secretary

The final session was held on February 8, 1949.

As a result of the deliberations of the Conference the International Convention for the Northwest Atlantic Fisheries (hereinafter referred to as the Convention) was formulated and opened for signature on February 8, 1949, to remain open for signature for fourteen days thereafter.

The following resolutions and recommendations were adopted and the following statements were received:

I

The International Northwest Atlantic Fisheries Conference

Resolves:

1. To express its gratitude to the President of the United States of America, Harry S. Truman, for his initiative in convening the present Conference and for its preparation;

2. To express to its Chairman, Wilbert M. Chapman, and its Vice Chairman, Klaus Sunnanaa, its deep appreciation for the admirable manner in which they have guided the Conference and brought it to a successful conclusion;

3. To express to the Officers and Staff of the Secretariat its appreciation for their untiring services and diligent efforts in contributing to the fruition of the purposes and objectives of the Conference.

II

The International Northwest Atlantic Fisheries Conference

Resolves:

That the Government of the United States of America be authorized to publish the Final Act of this Conference, the text of the Convention, and to make available for publication such additional documents in connection with the work of this Conference as in its judgment may be considered in the public interest.

III

The International Northwest Atlantic Fisheries Conference

Recommends:

That in establishing and maintaining the International Northwest Atlantic Fisheries Commission the Contracting Governments give careful consideration to the following conclusions reached at the Conference:

1. *Finance:*

The probable cost of the Commission during its first year would be in the region of 40,000 dollars.

This estimate is to some extent based upon the present expenditure incurred by the International Council for the Exploration of the Sea, but it must be recognized that the cost of that organization cannot be used as an accurate guide to the possible cost of the new Commission on account of the rather specific and long-standing nature of its set-up. The precise amount would necessarily depend upon various considerations such as the location and cost of the office of the Commission for which certain facilities might be available either in the United States or in Canada.

2. *Staff:*

(1) It is desirable that the Executive Secretary of the Commission should be a biologist. At the same time it is still more important that he should be a man with great administrative and statistical ability. It should also be understood that after the Commission had begun to function normally it would probably be necessary at an early date to increase the staff by the addition of, for example, a statistician.

(2) The responsibilities of the staff of the Commission shall be exclusively international in character and they shall not seek or receive instructions in regard to the discharge of their functions from any authority external to the Commission. The Contracting Governments should fully respect the international character of the responsibilities of the staff and not seek to influence any of their nationals in the discharge of such responsibilities.

3. *Scientific Investigation:*

(1) In the field of scientific investigations the Commission should be primarily responsible for: (a) arrangement for and coordination of work by agencies, and (b) establishment of working relationships with international agencies. It is important, for the purposes of the Convention, that enlarged and coordinated scientific investigations should be carried out and such investigations in so far as possible should be conducted by agencies of the Contracting Governments or by public or private agencies (e. g., universities or private marine research laboratories). If investigations necessary to the purposes of the Convention cannot be arranged through existing Government, public, or private agencies, they should be undertaken by the Commission, but only in accordance with approved budgets. It is not contemplated that any such investigations conducted by Commission personnel or equipment would include field operations.

(2) The need for thorough consideration of the problems facing the Commission is paramount, and considerable time will be needed for assembling the material required for a determination of those problems. An informal interim committee of biologists might well be asked to assemble such material in advance of the coming into effect of the Convention, and the Government of Canada might take the initial measures to this end.

4. *Statistics:*

It is important, for purposes of the Convention, that improved statistics of the commercial fisheries in the Convention area should be collected and the Commission should have responsibility for the compilation and distribution of the fishery statistics furnished by the Contracting Governments in such form and at such times as the Commission may require.

IV

The International Northwest Atlantic Fisheries Conference

Requests:

That as soon as possible after entry into force of the International Convention for the Northwest Atlantic Fisheries the Depositary Government initiate steps for the holding of the first meeting of the International Commission for the Northwest Atlantic Fisheries

at some place in North America, without prejudice, however, to the determination of the ultimate location of the seat of the Commission.

V

The International Northwest Atlantic Fisheries Conference

Received:

The following joint statement from the French and Spanish Delegations:

"In the course of the Conference the French and Spanish Delegations have requested that the definition of coastal limits in the Convention area be put in said Convention.

"The Conference did not meet their request, considering that any discussion on this subject would lead to a definition of territorial waters and this matter was formally declared by the Conference out of its competence.

"The French and Spanish Delegations had to yield to the above decision.

"Consequently they cannot agree to paragraph 2 of Article I which, in their innermost belief, is a meddling of the Conference in the aforesaid matter."

VI

The International Northwest Atlantic Fisheries Conference

Records:

That, the Italian Delegation, not having received from its Government specific instructions on the text of paragraph 2 of Article I, as embodied in the Second Interim Draft of the Convention, abstained from voting on acceptance of that paragraph.

In witness whereof the following representatives have signed this Final Act.

Done in Washington this eighth day of February 1949 in the English language, the original of which shall be deposited with the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the other Governments represented at the Conference.

For Canada:
STEWART BATES
A W H NEEDLER
S. V. OZERE
FREEMAN M TOVELL
F H WOODING

For Denmark:
B DINESEN
A. VEDEL TANING
F. H. KJOLSEN
LAUR. THYGESEN
K DJURHUUS
N BJERREGAARD
POUL M. HANSEN

For France:
M TERRIN
JEAN LE GALL
LOUIS J AUDIGOU

For Iceland:
THOR THORS

For Italy:
ALBERTO TARCHIANI

For His Majesty's Government in the United Kingdom and the Government of Newfoundland in respect of Newfoundland:
R GUSHUE
W. TEMPLEMAN

For Norway:
KLAUS SUNNANAA
GUNNAR ROLLEFSEN
OLAV LUND
FINN BRYHNI.
KNUT VARTDAL

For Portugal:
MANUEL CARLOS QUINTÃO MEYRELLES
ALFREDO DE MAGALHÃES RAMALHO
JOSÉ AUGUSTO CORREIA DE BARROS
AMÉRICO ÂNGELO TAVARES DE ALMEIDA

Cap. frag.

For Spain:
GERMÁN BARÁIBAR
ALVARO GUITIÁN
J. RUIZ MORALES
PEDRO DE ESPADA

For the United Kingdom of Great Britain and Northern Ireland:
A. T. A. DOBSON
A. J. AGLEN

For the United States of America:
W. M. CHAPMAN
WILLIAM E. S. FLORY
HILARY J. DEASON
FREDERICK L. ZIMMERMANN
WAYNE D. HEYDECKER
MILTON C JAMES
PATRICK MCHUGH
HAROLD C MOORE
THOMAS A. FULHAM
EDWARD CASTLEMAN

Observers:

For the Food and Agriculture Organization of the United Nations:
D. B. FINN

For the International Council for the Exploration of the Sea:
A. T. A. DOBSON
ALFREDO DE MAGALHÃES RAMALHO

[SEAL] CLARKE L. WILLARD
Secretary General

Mr. GREEN. Mr. President, I was instructed by the Foreign Relations Committee to report favorably this convention and the two conventions following it, all three being international conventions relating to fisheries.

The Committee on Foreign Relations, having heard testimony on the three fisheries conventions referred to it, unanimously recommends that the Senate gives its advice and consent to their ratification.

The objective of these agreements is to conserve the high-seas fisheries in which the United States has an interest. If this objective can be attained, the United States' fish supply will be expanded and the price of fish to the consumer will be reduced. Furthermore, the fishing industry—a great industry—will be promoted, because the diminution of the catch in the Atlantic will be arrested and the expansion of the catch in the Pacific will be further stimulated. Both of these fisheries are now threatened unless regulations are set up. But effective regulations cannot be applied by the United States alone, and international action is called for if all those who fish in these areas are to be covered. Also preliminary to any regulations is adequate knowledge of the fish life to be dealt with. This the conventions aim to supply.

These conventions are modeled upon the successful agreements with Canada under which the depletion of Pacific halibut and sockeye salmon has been arrested and the stocks of those fish increased. Each convention sets up an international commission for scientific investigation in order to arrest and remedy the decline in fish catch and the depletion of fish stocks. The Northwest Atlantic Convention, signed by nine governments in addition to our own, applies to ground fish, and provides for conservation regulations to be applied under certain safeguards. Both the Mexican and Costa Rican conventions are concerned with tuna fish, and tuna-like fish and tuna bait.

Compared with the advantages to be derived, the costs of all three conventions are relatively small. We already are spending $245,000 a year for investigations in the northwest Atlantic, a sum which is less than that spent by Canada for the same purpose. The conventions will not affect this expenditure. They will involve, over and above it, an annual operating cost of $725,000, of which $315,000 will cover new investigations in the northwest Atlantic and $410,000 will be for investigations in the eastern Pacific. Finally, in addition to these figures, there will be an initial cost of $700,000 for capital expenditures for the first 2 years, combined under the tuna conventions.

Since these fisheries together supply the American people with over a billion pounds of food a year, far in excess of the catch of any other nation in these fisheries, the expenses would probably be incurred anyway, even in the absence of the conventions, because the New England banks show an acute decline in commercial fish.

The committee wishes to emphasize that the conventions do not commit this country to any fixed sum. The Congress will determine the extent of our share in passing on the annual appropriation of the State Department and the Interior Department, in which the expenses of the conventions will be included.

Early ratification of the conventions is important; and since the United States has taken the lead in the negotiation of these conventions, its lead in ratification is most desirable. The Committee on Foreign Relations has unanimously reported all three conventions favorably to the Senate.

Mr. President, I have prepared a very much longer statement, giving the details of the respective treaties; but I know the Senate is anxious to take a recess, so I shall not read the statement, but merely ask unanimous consent that it may be printed at this point in the RECORD as a part of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

COMMENT ON THREE MARINE FISHERIES CONVENTIONS NOW BEFORE THE SENATE FOR ADVICE AND CONSENT TO RATIFICATION

Three conventions concerning the marine fisheries of the United States have been concluded and signed this year. These are: (1) Convention between the United States and Mexico for the establishment of an International Commission for the scientific investigation of tuna, signed in Mexico City, January 25, 1949; (2) International Convention for the Northwest Atlantic Fisheries, between the United States and nine other countries (Canada, Denmark, France, Iceland, Italy, Norway, Portugal, Spain, and the United Kingdom), signed in Washington under date of February 8, 1949; and (3) Convention between the United States and Costa Rica for the establishment of an Inter-American Tropical Tuna Commission, signed in Washington, May 31, 1949.

All three of these conventions have been submitted by the President to the Senate with a view to advice and consent to ratification. It is the purpose of these reports to show why the ratification of these conventions would be in the interests of the United States, and to indicate their relation to the over-all high seas fisheries

policy of the United States. The three conventions have certain elements in common, and these common elements are discussed first.

Under customary international law, as applied to fisheries, the high seas of the world have been considered to be a common ground where the fishermen of all nations have an equal right to pursue their trade.

The rapid developments in the techniques of fishing, increased mobility of the vessels, increased demand for the products of the sea, and so on, have created an entirely new situation in regard to the high-seas fisheries. Fishermen are no longer bound by necessity to fish close to their home ports. They now have the mechanical ability to range for thousands of miles in search of their catches.

This new development in world fisheries has created a serious threat to the productive ability of these fisheries. Since under international law no nation can control the activities of the fishermen of another nation on the high seas, no way has been available to prevent overfishing and a wastage of the resources of the sea. It is not practical to restrict the fishing of one group of fishermen on any particular fishing ground without restricting in the same manner the operations of other groups of fishermen on these same grounds.

To meet this situation President Truman issued a proclamation on September 28, 1945, which said in effect the following three things: (1) the United States may establish conservation zones on the high seas for the purpose of protecting its coastal fisheries from overfishing; (2) where only the fishermen of the United States are concerned the United States may do this unilaterally; where the fishermen of other nations are also concerned, the United States may do this in conjunction with such other nations; and (3) the United States recognizes the right of other nations to take similar steps to protect their coastal fisheries.

This proclamation was misinterpreted by several nations, which assumed it to mean that the United States would accept the extension of the sovereignty of those nations over the high seas off their coasts. The United States is strongly opposed to such extension of sovereignty on several grounds. The result of such extension of sovereignty out into the high seas could very well be disastrous to our interests in a number of high-seas fisheries. We have very important fisheries off the coasts of other countries, such as the Grand Banks fisheries in which United States fishermen have participated since the earliest history of our country; the shrimp fisheries in the Gulf of Mexico which were explored and developed by our fishermen; the tuna fishery off the west coast of Latin America which is a most valuable fishery and has been developed exclusively by United States fishermen; the several important fisheries which have been jointly developed by United States and Canadian fishermen off the coast of British Columbia.

To make the United States position crystal clear on this serious question, this Government has stated that the United States would be willing to place its fishermen under the same regulations as the fishermen of any other nation operating in any fishery provided that: (1) the regulations have been shown by scientific investigation to be necessary in order to prevent overfishing, and (2) the United States has an equal voice with any other nation in determing the regulations to be applied.

In one of the areas where our fishermen have operated off the coast of another country, in the Pacific Northwest, there has grown up over the past 25 years a form of joint management of fisheries by the nations involved which is without parallel in the history of nations for the success and amity with which these joint resources are managed. I refer to the management of the halibut fishery of the northeast Pacific by the International Fisheries Commission, and of the sockeye salmon fisheries of the Fraser River by the International Pacific Salmon Fisheries Commission. Both these are joint commissions participated in equally by the United States and Canada. The one has been in operation since 1924, the other since 1932. Each has been singularly successful in meeting the problems of conservation rising in these fisheries.

Similar problems of conservation have now arisen in two high seas fisheries areas in which we share participation with other nations. These are (1) the bottom fisheries of the northwest Atlantic (including the Grand Banks area), and (2) the tuna fisheries off western Latin America. We have sought to apply to these two new areas the lessons which we have learned in the Pacific northwest. The result is the three conventions which are under consideration.

These conventions have certain ultimate aims in common, which have been derived from the successful history of development of the halibut and salmon conventions mentioned above. These are:

1. A joint commission is established whose responsibility will be the management of the fisheries under its jurisdiction.

2. The commission is not given powers of regulation; and no regulation is contemplated until it has demonstrated by scientific investigation that regulation of fishing activity is required in order to make possible the maximum sustained yield from the fisheries.

3. Each nation has an equal voice on all actions taken by the Commission.

4. The fishing industry is assured a voice in the activities of the Commission through an official Advisory Committee.

5. Regulation of fishing activity by the Commission shall be solely for the purpose of making possible the maximum sustained yield from the fisheries.

The International Convention for the Northwest Atlantic Fisheries has the following particular provisions to meet local circumstances:

1. The vast area included under the convention is divided into five panel areas in order to provide as much simplification as possible in the Commission's work. These panels are drawn up on the basis of present biological and hydrographic information to provide reasonably natural units. Provision is made for later modification of the boundaries of these panel areas if new information indicates that to be desirable.

2. The primary unit of action by the Commission is the panel. It is anticipated that representation on the panel will be limited to those countries having a special interest in that particular area by reason of having a coast line contiguous to the area or having a substantial fishery in the area.

3. After an initial 2-year period, adjustment can be made annually in the national composition of the panels. This is with a view of having representation on each panel of nations whose fishermen will be affected by actions of the panel.

4. The primary initial duty of the Commission will be to obtain, collate, and disseminate scientific information necessary for the proper management of the fisheries.

5. A mechanism is provided by which recommendations made by the Commission to member governments can be translated by the latter into regulations which would apply to all the fishermen in the area.

6. All the 10 nations whose nationals participate in the fisheries of the area are signatory to this convention. Provision is made for the adherence at a later date by nations not now included.

The Mexican and Costa Rican Conventions cover the tuna fisheries of the Pacific Ocean, and should be considered as a unit. They were concluded separately because the United States and Mexico have several problems in common regarding the tuna fisheries which have no counterparts in the relations of the United States with the countries to the south of Mexico. For example, the bluefin tuna and the albacore tuna which form the basis of important fisheries off northern Mexico and the United States do not occur south of central Mexico and are, therefore, of no interest to the southern countries. Again, a large fleet of small vessels works out of northern Mexican and southern California ports which present special problems, but their operation does not extend south of central Mexico. In general due to their geographic continuity the United States and Mexico have many joint problems of fisheries management which differentiate their concerns from those of the nations to the south, and make the separate convention highly desirable.

Nevertheless the yellowfin tuna and the skipjack tuna which are the primary species of concern to the Inter-American Tropical Tuna Commission also occur off Mexico as well as the other countries as far south, at least, as Peru.

Consequently, it is of prime necessity that the investigative and other activities of the two tuna commissions intermesh in an intimate manner, and also that the work of the two commissions be integrated with the tuna research being carried out by the State of California, the State of Oregon, and the Federal Government through the agency of the Fish and Wildlife Service of the Department of the Interior.

The United States proposes to insure such integration of work on its part by the following means:

1. The United States Commissioners for the Inter-American Tropical Tuna Commission will be the same persons as the United States Commissioners for the International Commission for the scientific investigation of Tuna.

2. The Advisory Committee to the United States Commissioners will for the most part be the same persons for both Commissions.

3. Provided that the other countries are agreeable, the Director of Investigations for both Commissions will be the same man.

4. Three of the United States commissioners shall be men on the policy-making level of the following three organizations: United States Fish and Wildlife Service, California State Division of Fish and Game, and the Oregon Fish Commission. This will insure the effective integration of all United States effort in this field of work.

With respect to the Costa Rican Convention, other nations as far south as Peru have a concern in the yellowfin and skipjack tuna fisheries. Accordingly, provision is made in that convention for the adherence at a later date of any country whose nationals participate in these fisheries.

The Mexican and Costa Rican Conventions are otherwise substantially similar. Both are modeled closely after the halibut convention which set up the International Fisheries Commission between the United States and Canada in 1924, and has worked much to the satisfaction of these two countries and their fishermen for the past 25 years.

All three of the conventions now under consideration by the Senate have the strong support of the affected industry, labor, boat owners, and management of the official fisheries agencies of the States concerned, and of this Government. To the best of my knowledge there is no opposition of any kind to any one of the three conventions.

Let me add one comment:

Considerable time and effort have been expended by the officials of the State Department and the United States Fish and Wildlife Service in preparing this treaty for ratification by the Senate.

Among those who have worked hard and faithfully and, who I believe, is more responsible than any other individual for arousing interest in the treaty, is Mr. Leonard O. Warner, a special correspondent for the Providence Journal and Evening Bulletin. He wrote a series of very enlightening articles for these papers and we who have lived with the treaty since its inception know of his untiring efforts both in assisting the various Government agencies in its preparation and also in calling to the attention of the general public the advantages of the treaty.

As one who knows of Mr. Warner's great interest in the treaty I wish at this time to extend heartfelt thanks to him for this great service.

Mr. LODGE. Mr. President, as a member of the subcommittee which considered these treaties, I should like to endorse what the Senator from Rhode Island has said, and to say that the subcommittee was unanimous in support of the treaties.

I personally circularized persons with whom I am acquainted whose lifetime has been dedicated to the fishing industry, and I think all are in favor of these treaties. In particular, I think the Atlantic treaty is of great moment to the section of the country from which I come. It may, we hope, lead to the taking of measures which will introduce some real conservation into that important national resource, which now, I regret to say, is very gravely threatened with damage to producers and, of course, consumers alike.

So I hope the treaties will be ratified.

Mr. SALTONSTALL. Mr. President, I wish to join my colleague in saying that these treaties mean much to those of us in Massachusetts, where the fishing industry is so important to our industrial life.

Mr. KNOWLAND. Mr. President, I join in the request for favorable action which has been made by the able Senator from Rhode Island. On the Pacific coast, representatives of industry and labor and representatives of the State Department joined together on this matter. I believe it has universal support. I have heard of no opposition to the Pacific treaty.

Mr. CONNALLY. Does the Senator favor all three of the treaties?

Mr. KNOWLAND. Oh, yes; I favor all three of them.

Mr. MAGNUSON. Mr. President, I, too, wish to support these treaties and wish to add my voice to those of other Senators in their behalf.

I was impressed with what the Senators from the Northeastern States, who are members of the Foreign Relations Committee, have had to say regarding this matter.

The experience which has been had with halibut and other ground fish is now being had in the Pacific Northwest in regard to sockeye salmon. We have found that by establishing there the pattern which already has been established in other fisheries in reference to ground fish, we have been able to revive a great deal of the sockeye salmon fishery.

The ratification of these treaties will mean a great deal to the fishing industry up and down the Pacific coast.

I should like to say that these treaties are not necessarily the work of any one man. It happens that some months ago a group of us attempted to impress upon the State Department the necessity of having someone at a higher policy level represent us in such negotiations with other countries, in contrast to what has occurred in the past in connection with negotiations and conferences regarding fisheries. In such matters in the past representatives of the United States who have gone to international fishery meetings have been representatives from the Fish and Wildlife Service, a subhead of a subdepartment of a subbureau. At those international meetings they have dealt with ministers and cabinet members of other nations. We were somewhat successful in having a change made in that situation. One man in the State Department is largely responsible for that change. He happens to come from the State of Washington. I refer to Dr. Chapman, an eminent scientist in Fisheries.

I am sure that the result of having persons who are on a higher policy level handle these matters in behalf of the United States has not only stimulated the taking of this action, but also will aid the entire fishing industry in the United States in the future.

The PRESIDING OFFICER. The convention is open to amendment.

If there be no amendment to be proposed, the convention will be reported to the Senate.

The convention was reported to the Senate without amendment.

The PRESIDING OFFICER. The resolution of ratification will be read.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive N, Eighty-first Congress, first session, an international convention for the northwest Atlantic fisheries, formulated at the international northwest Atlantic fisheries conference and signed at Washington under date of February 8, 1949, by the plenipotentiary of the United States of America and by the plenipotentiaries of certain other governments.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution of ratification is agreed to, and the convention is ratified.

TUNA CONVENTION BETWEEN THE UNITED STATES AND MEXICO

The Senate, as in Committee of the Whole, proceeded to consider the convention, Executive K (81st Cong., 1st sess.), a convention between the United States of America and Mexico for the establishment of an International Commission for Scientific Investigation of Tuna, signed at Mexico City, January 25, 1949; which was read the second time, as follows:

CONVENTION FOR THE ESTABLISHMENT OF AN INTERNATIONAL COMMISSION FOR THE SCIENTIFIC INVESTIGATION OF TUNA

PREAMBLE

The United States of America and the United Mexican States considering their respective interests in maintaining the populations of certain tuna and tunalike fishes in the waters of the Pacific Ocean off the coasts of both countries, and desiring to cooperate in scientific investigation, and in the gathering and interpretation of factual information to facilitate maintaining the populations of these fishes at a level which will permit the maximum reasonable utilization without depletion year after year, have agreed to conclude a Convention for these purposes and to that end have named as their Plenipotentiaries:

The President of the United States of America:

Walter Thurston, Ambassador Extraordinary and Plenipotentiary of the United States of America in Mexico;

The President of the United Mexican States:

Manuel Tello, acting Secretary of Foreign Relations;

who having communicated to each other their full powers, found to be in good and due form, have agreed as follows:

ARTICLE I

1.—The High Contracting Parties agree to establish and operate a joint commission, to be known as the International Commission for the Scientific Investigation of Tuna, hereinafter referred to as the Commission, which shall carry out the objectives of this Convention. The Commission shall be composed of two national sections, a United States section, consisting of four members, appointed by the Government of the United States of America, and a Mexican section consisting of four members, appointed by the Government of the United Mexican States.

2.—The Commission shall submit annually to the respective Governments a report on its findings, with appropriate recommendations, and shall also inform them, whenever it is deemed advisable, on any matter relating to the objectives of this Convention.

3.—The expenses incurred by each national section for its own personnel, offices and operation, including emoluments, transportation and subsistence, shall be borne by its government. Joint expenses incurred by the Commission shall be paid by the High Contracting Parties in the form and proportion recommended by the Commission and approved by the High Contracting Parties.

4.—Both the general annual program of activities and the budget of joint expenses shall be recommended by the Commission and submitted for approval to the High Contracting Parties.

5.—The High Contracting Parties shall decide on the most convenient place for the establishment of the Commission's headquarters.

6.—The Commission shall meet at least twice each year and at such other times as may be requested by either national section. The date and place of the first meeting shall be determined by agreement between the High Contracting Parties.

7.—At its first meeting the Commission shall select a chairman from the members of one national section and a secretary from the members of the other national section. The chairman and secretary shall hold office for a period of one year. During succeeding years, selection of the chairman and secretary shall alternate between the respective national sections.

8.—Each national section shall have one vote. Decisions, resolutions, and recommendations of the Commission shall be made only by approval of both sections.

9.—The Commission shall be entitled to adopt and to amend subsequently, as occasion may require, by laws or rules for the conduct of its meetings and for the performance of its functions and duties. Such by-laws, rules or amendments shall be referred by the Commission to the Governments and shall become effective thirty days from the date

of receipt of notification unless disapproved by either of the two Governments within that period.

10.—The Commission shall be entitled to employ necessary personnel for the performance of its functions and duties. The appointments shall be distributed equitably between nationals of the United States and Mexico except in special instances in which the appointment of persons of other nationalities is desirable.

11.—Each section of the Commission may appoint its own advisors who may attend sessions of the Commission in their advisory capacity when the Commission so determines. Each section may meet separately with advisors from its own country when it deems such meetings desirable.

12.—Each section of the Commission may hold public hearings within the territory of its own country.

13.—The Commission shall designate simultaneously a Director and an Assistant Director of Investigations, who shall be technically competent and shall be responsible to the Commission. One of these functionaries shall be a national of the United States and the other a national of Mexico. Subject to the instruction of the Commission and with its approval, the Director shall have charge of:

(a) the drafting of programs of investigation, and the preparation of budget estimates for the Commission;

(b) authorizing the disbursement of the funds for the joint expenses of the Commission;

(c) the accounting of the funds for the joint expenses of the Commission;

(d) the appointment and immediate direction of technical and any other personnel required for the scientific functions of the Commission;

(e) arrangements for the cooperation with other organizations or individuals in accordance with paragraph 18 of this Article;

(f) the coordination of the work of the Commission with that of organizations and individuals whose cooperation has been arranged for;

(g) the drafting of administrative, scientific and other reports for the Commission;

(h) the performance of such other duties as the Commission may require.

14.—The Assistant Director shall assist the Director of Investigations in all his functions, and shall substitute for him during his temporary absences. Both the Director and the Assistant Director of Investigations may be freely removed by the Commission.

15.—The official languages of the Commission shall be English and Spanish, and members of the Commission may use either language during meetings. When necessary, translation shall be made to the other language. The minutes, official documents and publications of the Commission shall be in both languages, but official correspondence of the Commission may be written at the discretion of the secretary in either language.

16.—Representatives of both national sections shall be entitled to participate in all work carried out by the Commission or under its auspices.

17.—Each national section shall be entitled to obtain certified copies of any documents pertaining to the Commission except that the Commission will adopt and may amend subsequently rules to insure the confidential character of records of statistics of individual catches and individual company operations. These rules and amendments shall be referred to the Governments in accordance with the procedures of paragraph 9 of this Article.

18.—In the performance of its duties and functions the Commission may request the technical and scientific services of and information from official agencies of the High Contracting Parties and any international, public, or private institution or organization or any private individual.

ARTICLE II

The Commission shall perform the following functions and duties:

1.—Make investigations: (a) concerning the abundance, biology, biometry, and ecology of the yellowfin, bluefin, and albacore tunas, bonitos, yellowtails, and skipjacks (hereinafter referred to as tuna and tuna-like fishes) in the waters of the Pacific Ocean off the coasts of both countries and eleswhere as may be required, and of the kinds of fishes commonly used as bait in tuna fishing; and (b) concerning the effects of natural factors and human activities on the abundance of the populations of fishes to which this Convention refers.

2.—Collect and analyze information relating to the current and past conditions and trends of the populations of the tuna and tuna-like fishes and tuna-bait fishes of the waters of the Pacific Ocean off the coasts of both countries and elsewhere as may be required.

3.—Study and appraise information concerning methods and procedures for maintaining and increasing the populations of tuna and tuna-like fishes and tuna-bait fishes in the waters of the Pacific Ocean off the coasts of both countries and elsewhere as may be required.

4.—Conduct such fishing and other activities, on the high seas and in the waters which are under the jurisdiction of either High Contracting Party, as may be necessary to attain the ends referred to in sub-paragraphs 1, 2 and 3 of this Article.

5.—Obtain statistics and all kinds of reports concerning catches, operations of fishing boats and other information concerning the fishing for tuna and tuna-like fishes and the tuna-bait fishes. The High Contracting Parties shall, if necessary, enact legislation in order to make it obligatory for the boat captains or other persons who participate in these fishing activities to keep records of operations, including the volume of the catch by species and the area in which caught, all of these in the form and with such frequency as the Commission deems necessary.

6.—Publish or otherwise disseminate reports relative to the results of its findings and such other reports as fall within the scope of this Convention, as well as scientific, statistical, and other data relating to the fisheries for tuna and tuna-like fishes and tuna-bait fishes in the waters of the Pacific Ocean off the coasts of both countries and elsewhere as may be required.

ARTICLE III

1.—The present Convention shall be ratified in accordance with the constitutional procedures of each country and the instruments of ratification shall be exchanged at Washington as soon as possible.

2.—The present Convention shall enter into force on the date of exchange of ratifications. It shall remain in force for a period of four years and thereafter until one year from the day on which either of the High Contracting Parties shall give notice to the other High Contracting Party of its intention of terminating the Convention.

3.—In the event of termination of the Convention, property supplied to the Commission by the High Contracting Parties shall be returned to that High Contracting Party which originally provided it. Property otherwise acquired by the Commission, with the exception of the archives, shall be returned to the High Contracting Parties taking into account the proportion in which they shall have contributed to the expenses of the Commission.

4.—At the termination of this Convention the High Contracting Parties shall divide the archives of the Commission as follows: The United States of America shall receive the part in English and the United Mexican States, the part in Spanish. Either of the two countries shall be able to obtain certified copies of any document from the archives of the Commission which is in the possession of the other. These archives may be consulted at any time for this purpose by authorized representatives of the government not having in its possession the archives which it wishes to consult. This paragraph shall be subject to the provisions of Paragraph 17 of Article I of this Convention.

In witness whereof the respective Plenipotentiaries have signed the present Convention and have affixed their seals.

Done in duplicate, in the English and Spanish Languages, at Mexico City this twenty-fifth day of January one thousand nine hundred and forty-nine.

WALTER THURSTON.
MANUEL TELLO.

The PRESIDING OFFICER. The convention is open to amendment. If there be no amendment to be proposed, the convention will be reported to the Senate.

The convention was reported to the Senate without amendment.

The PRESIDING OFFICER. The resolution of ratification will be read.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive K, Eighty-first Congress, first session, a convention between the United States of America and Mexico for the establishment of an international commission for the scientific investigation of tuna, signed at Mexico City, January 25, 1949.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution of ratification is agreed to, and the convention is ratified.

TUNA CONVENTION BETWEEN THE UNITED STATES AND COSTA RICA

The Senate, as in Committee of the Whole, proceeded to consider the convention, Executive P, a convention between the United States of America and Costa Rica for the establishment of an Inter-American Tropical Tuna Commission, signed at Washington, D. C., May 31, 1949, which was read the second time, as follows:

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF COSTA RICA FOR THE ESTABLISHMENT OF AN INTER-AMERICAN TROPICAL TUNA COMMISSION

The United States of America and the Republic of Costa Rica considering their mutual interest in maintaining the populations of yellowfin and skipjack tuna and of other kinds of fish taken by tuna fishing vessels in the eastern Pacific Ocean which by reason of continued use have come to be of common concern, and desiring to cooperate in the gathering and interpretation of factual information to facilitate maintaining the populations of these fishes at a level which will permit maximum sustained catches year after year, have agreed to conclude a Convention for these purposes and to that end have named as their Plenipotentiaries:

The President of the United States of America:

James E. Webb, Acting Secretary of State

Wilbert M. Chapman, Special Assistant to the Under Secretary of State

The President of the Government of Costa Rica:

Mario A. Esquivel, Ambassador Extraordinary and Plenipotentiary of Costa Rica

Jorge Hazera, Counselor of the Embassy of Costa Rica

who, having communicated to each other their full powers, found to be in good and due form, have agreed as follows:

ARTICLE I

1. The High Contracting Parties agree to establish and operate a joint Commission, to be known as the Inter-American Tropical Tuna Commission, hereinafter referred to as the Commission, which shall carry out the objectives of this Convention. The Commission shall be composed of national sections, each consisting of from one to four members, appointed by the Governments of the respective High Contracting Parties.

2. The Commission shall submit annually to the Government of each High Contracting Party a report on its investigations and findings, with appropriate recommendations, and shall also inform such Governments, whenever it is deemed advisable, on any matter relating to the objectives of this Convention.

3. Each High Contracting Party shall determine and pay the expenses incurred by its section. Joint expenses incurred by the Commission shall be paid by the High Contracting Parties through contributions in the form and proportion recommended by the Commission and approved by the High Contracting Parties. The proportion of joint expenses to be paid by each High Contracting Party shall be related to the proportion of the total catch from the fisheries covered by this Convention utilized by that High Contracting Party.

4. Both the general annual program of activities and the budget of joint expenses shall be recommended by the Commission and submitted for approval to the High Contracting Parties.

5. The Commission shall decide on the most convenient place or places for its headquarters.

6. The Commission shall meet at least once each year, and at such other times as may be requested by a national section. The date and place of the first meeting shall be determined by agreement between the High Contracting Parties.

7. At its first meeting the Commission shall select a chairman and a secretary from different national sections. The chairman and the secretary shall hold office for a period of one year. During succeeding years, selection of the chairman and the secretary from the national sections shall be in such a manner that the chairman and the secretary will be of different nationalities, and as will provide each High Contracting Party, in turn, with an opportunity to be represented in those offices.

8. Each national section shall have one vote. Decisions, resolutions, recommendations, and publications of the Commission shall be made only by a unanimous vote.

9. The Commission shall be entitled to adopt and to amend subsequently, as occasion may require, by-laws or rules for the conduct of its meetings.

10. The Commission shall be entitled to employ necessary personnel for the performance of its functions and duties.

11. Each High Contracting Party shall be entitled to establish an Advisory Committee for its section, to be composed of persons who shall be well informed concerning tuna fishery problems of common concern. Each such Advisory Committee shall be invited to attend the non-executive sessions of the Commission.

12. The Commission may hold public hearings. Each national section also may hold public hearings within its own country.

13. The Commission shall designate a Director of Investigations who shall be technically competent and who shall be responsible to the Commission and may be freely removed by it. Subject to the instruction of the Commission and with its approval, the Director of Investigations shall have charge of:

(a) the drafting of programs of investigations, and the preparation of budget estimates for the Commission;

(b) authorizing the disbursement of the funds for the joint expenses of the Commission;

(c) the accounting of the funds for the joint expenses of the Commission;

(d) the appointment and immediate direction of technical and other personnel required for the functions of the Commission;

(e) arrangements for the cooperation with other organizations or individuals in accordance with paragraph 16 of this Article;

(f) the coordination of the work of the Commission with that of organizations and individuals whose cooperation has been arranged for;

(g) the drafting of administrative, scientific and other reports for the Commission;

(h) the performance of such other duties as the Commission may require.

14. The official languages of the Commission shall be English and Spanish, and members of the Commission may use either language during meetings. When requested, translation shall be made to the other language. The minutes, official documents, and publications of the Commission shall be in both languages, but official correspondence of the Commission may be written, at the discretion of the secretary, in either language.

15. Each national section shall be entitled to obtain certified copies of any documents pertaining to the Commission except that the Commission will adopt and may amend subsequently rules to ensure the confidential character of records of statistics of individual catches and individual company operations.

16. In the performance of its duties and functions the Commission may request the technical and scientific services of, and information from, official agencies of the High Contracting Parties, and any international, public, or private institution or organization, or any private individual.

ARTICLE II

The Commission shall perform the following functions and duties:

1. Make investigations concerning the abundance, biology, biometry, and ecology of yellowfin (*Neothunnus*) and skipjack (*Katsuwonus*) tuna in the waters of the eastern Pacific Ocean fished by the nationals of the High Contracting Parties, and the kinds of fishes commonly used as bait in the tuna fisheries, especially the anchovetta, and of other kinds of fish taken by tuna fishing vessels; and the effects of natural factors and human activities on the abundance of the populations of fishes supporting all these fisheries.

2. Collect and analyze information relating to current and past conditions and trends of the populations of fishes covered by this Convention.

3. Study and appraise information concerning methods and procedures for maintaining and increasing the populations of fishes covered by this Convention.

4. Conduct such fishing and other activities, on the high seas and in waters which are under the jurisdiction of the High Contracting Parties, as may be necessary to attain the ends referred to in subparagraphs 1, 2, and 3 of this Article.

5. Recommend from time to time, on the basis of scientific investigations, proposals for joint action by the High Contracting Parties designed to keep the populations of fishes covered by this Convention at those levels of abundance which will permit the maximum sustained catch.

6. Collect statistics and all kinds of reports concerning catches and the operations of fishing boats, and other information concerning the fishing for fishes covered by this Convention, from vessels or persons engaged in these fisheries.

7. Publish or otherwise disseminate reports relative to the results of its findings and such other reports as fall within the scope of this Convention, as well as scientific, statistical, and other data relating to the fisheries maintained by the nationals of the High Contracting Parties for the fishes covered by this Convention.

ARTICLE III

The High Contracting Parties agree to enact such legislation as may be necessary to carry out the purposes of this Convention.

ARTICLE IV

Nothing in this Convention shall be construed to modify any existing treaty or convention with regard to the fisheries of the eastern Pacific Ocean previously concluded by a High Contracting Party, nor to preclude a High Contracting Party from entering into treaties or conventions with other States regarding these fisheries, the terms of which are not incompatible with the present Convention.

ARTICLE V

1. The present Convention shall be ratified and the instruments of ratification shall be exchanged at Washington as soon as possible.

2. The present Convention shall enter into force on the date of exchange of ratifications.

3. Any government, whose nationals participate in the fisheries covered by this Convention, desiring to adhere to the present Convention, shall address a communication to that effect to each of the High Contracting Parties. Upon receiving the unanimous consent of the High Contracting Parties to adherence, such government shall deposit with the Government of the United States of America an instrument of adherence which shall stipulate the effective date thereof. The Government of the United States of America shall furnish a certified copy of the Convention to each government desiring to adhere thereto. Each adhering government shall have all the rights and obligations under the Convention as if it had been an original signatory thereof.

4. At any time after the expiration of ten years from the date of entry into force of this Convention any High Contracting Party may give notice of its intention of denouncing the Convention. Such notification shall become effective with respect to such notifying government one year after its receipt by the Government of the United States of America. After the expiration of the said one year period the Convention shall be effective only with respect to the remaining High Contracting Parties.

5. The Government of the United States of America shall inform the other High Contracting Parties of all instruments of adherence and of notifications of denunciation received.

In witness whereof the respective Plenipotentiaries have signed the present Convention.

Done at Washington, in duplicate, in the English and Spanish languages, both texts being equally authentic, this 31st day of May, 1949.

For the United States of America:
JAMES E. WEBB
W. M. CHAPMAN

For the Republic of Costa Rica:
MARIO A. ESQUIVEL
JORGE HAZERA

The PRESIDING OFFICER. The convention is open to amendment. If there be no amendment to be proposed, the convention will be reported to the Senate.

The convention was reported to the Senate without amendment.

The PRESIDING OFFICER. The resolution of ratification will be read.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive P, Eighty-first Congress, first session, a convention between the United States of America and Costa Rica for the establishment of an Inter-American Tropical Tuna Commission, signed at Washington, May 31, 1949.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution of ratification is agreed to, and the convention is ratified.

CONSULAR CONVENTION BETWEEN THE UNITED STATES AND THE REPUBLIC OF COSTA RICA

The Senate, as in Committee of the Whole, proceeded to consider the convention, Executive D, a consular convention between the United States of America and the Government of Costa Rica, signed at San Jose, on January 12, 1948, which was read the second time, as follows:

CONSULAR CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF COSTA RICA

The President of the United States of America and the President of the Republic of Costa Rica, on the basis of that traditional friendship which has always joined the peoples of their respective countries, have agreed to conclude a Consular Convention for the purpose yet further to strengthen this happy relationship through the fostering and development of effective consular representation between the two countries, and, in the premises have appointed as their respective plenipotentiaries:

The President of the United States of America:

Mr. John Willard Carrigan, Chargé d'Affaires ad interim of the United States of America;

The President of the Republic of Costa Rica:

His Excellency Licenciado Alvaro Bonilla Lara, Secretary of State encharged with the Office of Foreign Relations

who, after having communicated to each other their full powers and having found them to be in good and due form, have agreed upon the following:

ARTICLE I

1. Each state agrees to receive from the other state consular representatives in those of its ports, places and cities where it may be convenient to establish consular offices and which are open to consular representatives of any foreign state. It shall be within the discretion of the sending state to determine whether the consular office to which such consular representatives shall be appointed or assigned, shall be a consulate general, consulate, vice consulate or consular agency. The sending state may prescribe the consular district to correspond to each consular office.

2. A consular officer of the sending state shall, after his official recognition and entrance upon his duties, enjoy in the territory of the receiving state, in addition to the rights, privileges, exemptions and immunities to which he is entitled by the terms of this convention, the rights, privileges, exemptions and immunities enjoyed by a consular officer of the same grade of the most-favored nation. As an official agent, such officer shall be entitled to the high consideration of all officials, national or local, with whom he has official intercourse in the receiving state.

3. Upon the appointment or assignment of a consular officer to a post within the territory of the receiving state, the sending state shall notify the receiving state in writing of such appointment or assignment. Such notification shall be accompanied with a request for the issuance to such officer of an exequatur or other formal authorization permitting the exercise of consular duties within the territory of the receiving state. Such request shall not be refused without good cause and the exequatur or authorization shall be issued free of charge and as promptly as possible. When necessary a provisional authorization may be issued pending the issuance of an exequatur or formal authorization.

4. The receiving state may revoke any exequatur, formal authorization or provisional authorization if the conduct of a consular officer gives serious cause for complaint. The reasons for such revocation shall be furnished to the sending state through diplomatic channels.

5. (a) The receiving state shall notify the appropriate local authorities of such state of the names of consular officers authorized to act within the receiving state.

(b) A consular officer in charge of a consular office shall keep the authorities of the receiving state informed of the names and addresses of the employees of the consular office. The receiving state shall designate the particular authority to whom such information is to be furnished.

6. Upon the death, incapacity, or absence of a consular officer having no subordinate consular officer at his post, any other consular officer of the sending state to whom an exequatur, formal authorization or provisional authorization has been issued by the receiving state or any person on the staff of the consular office whose name shall previously have been made known to the authorities of the receiving state pursuant to paragraph 5 of this article, may temporarily exercise the consular duties of the deceased or incapacitated or absent consular officer, and while so acting shall enjoy all the rights, privileges, exemptions and immunities previously enjoyed by such consular officer.

7. A consular officer or diplomatic officer of the sending state, who is a national of that state, may have the rank also of a diplomatic officer or of a consular officer, as the case may be, on condition that permission for him to exercise such dual functions has been duly granted by the receiving state and appropriate recognition in a consular capacity has been granted. In any such case such person's rank as a diplomatic officer shall be understood as being superior to and independent of his rank as a consular officer. The exercise of consular duties by any diplomatic officer shall be without prejudice to any additional personal privileges and immunities which might accrue to such officer by reason of his diplomatic status.

ARTICLE II

1. A consular officer who is a national of the sending state and not engaged in a private occupation for gain in the receiving state, shall be exempt from arrest or prosecution in the receiving state except when charged with the commission of a crime which, upon conviction, might subject the individual guilty thereof to a sentence of imprisonment for a period of one year or more.

2. A consular officer or employee shall in civil proceedings be subject to the jurisdiction of the courts of the receiving state except in respect of acts performed by him within the scope of his official duties. He shall not however be permitted to assert that an act was performed by him within the scope of his official duties in any case where a third party shall have been injured as the result of negligence, for which the officer or employee would be responsible under local law, or had reason to believe that the officer or employee was acting in his personal capacity.

3. A consular officer or employee may be required to give testimony in either civil or criminal cases, except as to acts performed by him within the scope of his official duties, or as to any matter cognizable by him only by virtue of his official status, but the court requiring his testimony shall take all reasonable steps to avoid interference with the performance of his official duties. The court requiring the testimony of a consular officer shall, wherever possible or permissible, arrange for the taking of such testimony, orally or in writing, at his residence or office. A court may not require a consular officer or employee to give evidence as expert witness with regard to the laws of the sending state.

4. A consular officer or employee shall not be required to produce official archives in court or to testify as to their contents.

5. A consular officer of employee who is a national of the sending state and not a national of the receiving state and is not engaged in a private occupation for gain in the receiving state shall be exempt from military, naval, jury, administrative or police service of any character whatsoever.

6. (a) The buildings and premises occupied by the sending state for official consular purposes shall not be subject to military billeting or to expropriation, condemnation, confiscation or seizure, except in accordance with the laws governing the condemnation of property for public purposes and in such case only upon prior payment to the sending state of the full value of the property condemned.

(b). All furniture, office equipment and other personal property located in any building occupied for official consular purposes and all vehicles, including aircraft, used in the performance of the official business of the consular office shall not be subject to military requisition or to expropriation, condemnation, confiscation or seizure.

7. The buildings and premises occupied exclusively as a personal residence by a consular officer or employee who is a national of the sending state and not a national of the receiving state and is not exercising a private occupation for gain in the receiving state shall be afforded comparable protection to that afforded to buildings and premises occupied for official consular purposes, and the personal property of any such consular officer or employee shall be afforded comparable protection to that afforded to the personal property of a comparable nature referred to in subparagraph (b) of paragraph 6 of this article.

ARTICLE III

1. No tax of any kind shall be levied or assessed in the territory of the receiving state by the receiving state, or by any state, province, municipality, or other local political subdivision thereof, in respect of fees received on behalf of the sending state in compensation for consular services, or in repect of any receipt given for the payment of such fees.

2. No tax of any kind shall be levied or assessed in the territory of the receiving state by the receiving state, or by any state, province, municipality, or other local subdivision thereof on the official emoluments, salaries, wages or allowances received as compensation for his consular services by a consular officer of the sending state who is not a national of the receiving state.

3. The provisions of paragraph 2 of this article also apply to the official emoluments, salaries, wages or allowances received by an employee of the consular office of the sending state who is not a national of the receiving state and whose name has been duly communicated to the appropriate authorities of

the receiving state in accordance with the provisions of paragraph 5 of Article I.

4. A consular officer or employee who is a national of the sending state and is not a national of the receiving state, who is not engaged in a private occupation for gain in the territory of the receiving state and who is the holder of an exequatur or other authorization to perform consular duties or whose name has been duly communicated to the appropriate authorities of the receiving state in accordance with paragraph 5 of Article I shall, except as provided in paragraph 5 of this article, be exempt in the territory of the receiving state from all other taxes levied or assessed by the receiving state, or by any state, province, municipality, or other local political subdivision thereof, including taxes or fees levied or assessed on the use or ownership of any vehicle or vessel, including aircraft, or of any wireless, radio or television set or in respect of the driving or operation of any vehicle or vessel including aircraft.

5. (a) The provisions of paragraph 4 of this article shall apply only to taxes in respect of which the consular officer or employee would in the absence of the exemption provided by this article be the person legally liable, and shall not apply to taxes in respect of which some other person is legally liable, notwithstanding that the burden of the tax may be passed on to the consular officer or employee. If, however, a consular officer or employee is entitled to income from sources outside the territory of the receiving state, but that income is payable to him, or collected on his behalf, by a banker or other agent within the territory of the receiving state who is required to deduct income tax on payment of the income and to account for the tax so deducted, the consular officer or employee shall be entitled to repayment of the tax so deducted.

(b) The provisions of paragraph 4 of this article shall not apply to:

(1) taxes levied or assessed on the ownership or occupation of immovable property if such property is situated within the territory of the receiving state;

(2) taxes on income derived from property of any kind situated within the territory of the receiving state;

(3) taxes levied or assessed on that part of the estate of a consular officer or employee which is exclusive of property used by him in the performance of his official duties.

(c) For the purpose of clause (3) of subparagraph (b) of this paragraph any part of the estate of a deceased consular officer or employee which would otherwise be subject to taxation in the receiving state which does not exceed in value two times the amount of the official emoluments, salaries or allowances received by the consular officer or employee for the year immediately preceding his death, shall be deemed conclusively to constitute property used by him in the performance of his official duties.

ARTICLE IV

1. All furniture, equipment and supplies intended for official use in a consular office of the sending state shall be permitted entry into the territory of the receiving state free of all customs duties and internal revenue or other taxes whether imposed upon or by reason of importation.

2. The baggage and effects and other articles imported exclusively for the personal use of consular officers and employees and the members of their respective families and suites, who are nationals of the sending state and are not nationals of the receiving state and who are not engaged in any private occupation for gain in the territory of the receiving state, shall be exempt from all customs duties and internal revenue or other taxes whether imposed by the receiving state, or by any state, province, municipality, or other local political subdivision thereof, upon or by reason of importation. Such exemption shall be granted with respect to property accompanying any person entitled to claim an exemption under this paragraph on first arrival or on any subsequent arrival and with respect to property consigned to any such person during the period the consular officer or employee, for or through whom the exemption is claimed, is assigned to or is employed in the receiving state by the sending state.

3. It is understood, however, (a) that the exemptions provided by paragraph 2 of this article shall be accorded in respect of employees in a consular office only when the names of such employees have been duly communicated in accordance with the provisions of paragraph 5 of Article I, to the appropriate authorities of the receiving state; (b) that in the case of the consignments to which paragraph 2 of this article refers, either state may, as a condition to the granting of the exemption provided in this article, require that a notification of any such consignment be given in such manner as it may prescribe; and (c) that nothing herein shall be construed to permit the entry into the territory of either state of any article the importation of which is specifically prohibited by law.

ARTICLE V

1. The sending state may, in accordance with such conditions as may be prescribed by the laws of the receiving state, acquire by purchase, gift, devise, lease or otherwise, either in its own name or in the name of one or more persons acting on its behalf, the ownership or possession, or both, of lands, buildings and appurtenances located in the territory of the receiving state and required by the sending state for consular purposes. If under the local law the permission of the local authorities must be obtained as a prerequisite to any such acquisition such permission shall be given on application of the sending state.

2. The sending state shall have the right to erect buildings and appurtenances on land, which is owned or held by or on behalf of the sending state in the territory of the receiving state for consular purposes, subject to compliance with local building, zoning or town-planning regulations applicable to all land in the area in which such property is situated.

3. No tax of any kind shall be levied or assessed in the territory of the receiving state by the receiving state, or by any state, province, municipality, or other local political subdivision thereof, on the sending state, or on any person acting on its behalf in accordance with paragraph 1 of this article, in respect of lands and buildings or appurtenances owned or held by or on behalf of the sending state for consular purposes, except taxes or other assessments levied for services or local public improvements by which the premises are benefited. A building, or part of a building, in which a consular office is situated and the rest of which is used as a consular residence is to be regarded as used exclusively for consular purposes.

4. No tax of any kind shall be levied or assessed in the territory of the receiving state by the receiving state, or by any state, province, municipality, or other local political subdivision thereof, on the ownership, possession or use of personal property owned or used by the sending state for consular purposes.

ARTICLE VI

1. A consular officer may place on the outside of the consular office the coat of arms or national device of the sending state with an appropriate inscription designating the office and may fly the flag of the sending state over or by such office. He may also place the coat of arms or national device and display the flag of the sending state on vehicles and vessels, including aircraft, employed by him in the exercise of his consular duties. A consular officer may display the flag of the sending state over or by his residence on the occasions which he considers appropriate.

2. The quarters where consular business is conducted and the archives of the consular office of the sending state shall at all times be inviolable, and under no pretext shall any of the authorities of the receiving state make any examination or seizure of papers or other property in such quarters or archives. When a consular officer is engaged in business within the territory of the receiving state, the files and documents of the consular office shall be kept in a place entirely separate from the place where private or business papers are kept.

3. Official consular correspondence shall be inviolable and the local authorities shall not examine or detain any such correspondence.

ARTICLE VII

1. A consular officer of the sending state, may within his consular district address the authorities of the receiving state, or of any state, province, municipality, or other local political subdivision thereof, for the purpose of protecting the nationals of the sending state in the enjoyment of rights accruing by treaty or otherwise and may register complaints against the infraction of such rights. Failure upon the part of the proper authorities to grant redress or to accord protection may justify interposition through diplomatic channels. In the absence of a diplomatic representative, the principal consular officer stationed at the capital of the receiving state may apply directly to the Government of the receiving state.

2. (a) A consular officer shall, within his consular district, have the right:

(1) To interview, communicate with, and advise any national of the sending state;

(2) to inquire into any incidents which have occurred affecting the interests of any national of the sending state;

(3) to visit, upon notification to the appropriate authority, and have private access to any national of the sending state who is imprisoned or detained by the authorities of the receiving state; and

(4) to assist any national of the sending state in proceedings before or in relations with the appropriate authorities of the receiving state or of any state, province, municipality, or of any local political subdivision thereof.

(b) A consular officer shall be informed immediately by the appropriate authorities of the receiving state when any national of the sending state is confined in prison awaiting trial or otherwise detained in custody within his consular district by such authorities.

3. A national of the sending state shall have the right at all times to communicate with a consular officer of the sending state.

ARTICLE VIII

1. (a) A consular officer of the sending state may within his district:

(1) Authenticate or certify signatures, documents or copies of documents;

(2) prepare, receive, legalize, certify and attest declarations or depositions;

(3) prepare, attest, receive the acknowledgments of, certify, authenticate, legalize and in general, take such action as may be necessary to perfect or to validate any document or instrument of a legal character; and

(4) perform such other analogous services as he is authorized to perform by the laws of the sending state;

(b) A consular officer may perform the services specified in subparagraph (a) of this article whenever such services are required by a national of the sending state for use outside of the territory of the receiving state or by any person for use in the territory of the sending state or are rendered in accordance with procedures, not prohibited by the laws of the receiving state, established

by the sending state for the protection of its nationals abroad or for the proper administration of its laws and regulations.

(c) A consular officer may also, to the extent permitted by the receiving state and in conformity with authority conferred on him by the sending state, perform the services specified in subparagraph (a) of this article in circumstances other than those provided for by subparagraph (b) of this article whenever the rendition of such services shall be deemed to be necessary or expedient.

ARTICLE IX

1. (a) Whenever the local authorities of the receiving state shall learn that a national of the sending state died in a locality subject to the jurisdiction of the receiving state and that there is not in the receiving state any person appointed by the decedent as his executor or as the representative of his estate or entitled to claim the whole or any part of the proceeds of the estate as his heir or next of kin or as a beneficiary under his will, such authorities shall advise the nearest consular officer of the sending state of the death of the decedent.

(b) Whenever the local authorities of the receiving state shall learn that a decedent, irrespective of his nationality or the place of his residence, left in the receiving state property in which a person known to be a national of the sending state has an interest under the terms of the decedent's will or in accordance with the appropriate laws of descent and distribution, or in any other manner, the local authorities shall furnish the nearest consular officer of the sending state with such information as may be needed by him to protect the interests of such national.

2. (a) In any case where a deceased person leaves property in the receiving state and a legal or equitable interest in such property is held or claimed by a national of the sending state, who is not resident in the territory of the receiving state and is not legally represented there by any person, the consular officer of the sending state in whose district the estate of the decedent is being administered or, if no administration has been instituted, the property is situated, shall have the right, except as such right may be limited by Section 3 of this article, to represent such national as regards his interests in the estate or property as if valid powers of attorney had been executed by him in favor of the consular officer. If subsequently such national becomes legally represented in the territory of the receiving state and the consular officer is notified to that effect the position of the consular officer will be as if the powers of attorney had become revoked.

(b) The provisions of subparagraph (a) of this article apply whatever the nationality of the decedent and irrespective of the place of his death.

(c) In any case where subparagraph (a) of this article applies, the consular officer shall have the right to take steps for the protection and preservation of the interests of the person whom he is entitled to represent under subparagraph (a). He shall also have the right, in any such case, to take possession of the estate or the property unless other persons, having superior interests, have taken the necessary steps to assume possession thereof. If under the law of the receiving state, a grant or order of a court is necessary for the purpose of permitting the consular officer to exercise the rights which he is entitled to exercise pursuant to this subparagraph such rights shall be recognized by the courts and any grant or order which would have been made in favor of the person whose interests are represented by the consular officer, if he had been present and applied for it, shall be made in favor of the consular officer on his application.

(d) The consular officer shall be permitted to undertake the full administration of the estate whenever and to the same extent as a person, whose interest he represents under subparagraph (a) of this article, would have had the right to administer the estate if he had been present. If by the law of the receiving state a grant by a court is necessary, the consular officer shall have the right to apply for and to receive a grant to the same extent as the person he represents would have had, if such person had been present and applied for it. The court may, however, postpone the making of a grant of administration to the consular officer (with or without the will annexed) for such time as it thinks necessary to enable the person represented by the consular officer to be informed and to decide whether he desires to be represented otherwise than by the consular official.

3. A consular officer of the sending state may, on behalf of a national of the sending state who is not a resident of the receiving state, receive for transmission to such a person, through channels prescribed by the sending state, any money or property to which such person is entitled as a consequence of the death of any person. Such money or property may include, but is not limited to, shares in an estate, payments made pursuant to Workmen's Compensation laws, or any similar laws, and the proceeds of life insurance policies. The court, agency or person making the distribution shall not, however, be required to make such distribution through a consular officer. If a court, agency or person does make distribution through a consular officer, it may require him to furnish reasonable evidence of the receipt of the money or property by the person or persons entitled thereto. The authority vested in a consular officer by this section shall be in addition to and not in limitation of the authority vested in him by previous paragraphs of this article.

4. Whenever a consular officer shall undertake the full administration of an estate pursuant to subparagraph (d) of paragraph 2 of this article, he subjects himself in his capacity as administrator to the jurisdiction of the court making the appointment for all necessary purposes to the same extent as if he were a national of the receiving state.

5. The provisions of this article shall be subject to any laws of, or regulations issued pursuant to law by, the receiving state providing for, or relating to, war or a national emergency.

ARTICLE X

1. (a) A consular officer of the sending state shall, except as hereinafter provided, have the right to exercise exclusive jurisdiction over controversies arising out of the internal order of merchant vessels of the sending state and over matters pertaining to the enforcement of discipline on board whenever any such vessels shall have entered the territorial waters of the receiving state within his consular district.

(b) A consular officer of the sending state shall have jurisdiction over issues concerning the adjustment of wages of members of the crews of vessels of the sending state which shall have entered the territorial waters of the receiving state within his consular district and the execution of contracts relating to such wages. Such jurisdiction shall not in any case, however, exclude the jurisdiction conferred on the competent authorities of the receiving state under existing or future laws.

2. Notwithstanding the provisions of paragraph 1 of this article a consular officer shall not, except as permitted by the laws of the receiving state, exercise jurisdiction in any case involving an offense committed on board a merchant vessel of the sending state, which offense would be punishable under the law of the receiving state by a sentence of imprisonment for a period of at least one year, or by penalties in excess thereof.

3. A consular officer may freely invoke the assistance of the competent authorities of the receiving state in any matter pertaining to the maintenance of internal order on board a vessel of the sending state which shall have entered within the territorial waters of the receiving state. Upon the receipt by such authorities of the request of the consular officer the requisite assistance shall be given.

4. A consular officer, or a consular employee designated by him, may appear with the officers and crews of the vessels of the sending state before the judicial and administrative authorities of the receiving state for the purpose of observing any proceedings affecting such persons and rendering such assistance as may be permitted by the laws of the receiving state.

ARTICLE XI

1. A consular officer of the sending state shall have the right to inspect within the ports of the receiving state within his consular district, the merchant vessels of any state destined to a port of the sending state in order to enable him to procure the necessary information to prepare and execute such documents as may be required by the laws of the sending state as a condition to the entry of vessels into its ports and to furnish to the competent authorities of the sending state such information with regard to sanitary or other matters as such authorities may require.

2. In exercising the rights conferred upon him by this article a consular officer shall act with all possible despatch and without unnecessary delay.

ARTICLE XII

1. All arrangements relative to the salvage of a vessel of the sending state wrecked upon the coasts of the receiving state may, unless the vessel shall have been attached by a salvor, be directed by such person as shall be authorized for such purpose by the law of the sending state and whose identity and authority shall have been made known to the authorities of the receiving state by the consular officer of the sending state within whose consular district the wrecked vessel is found, or, in the absence of any such person, by such consular officer.

2. Pending the arrival of the consular officer, who shall be informed immediately of the occurrence of the wreck, or of such other person as may be authorized to act in the premises, the authorities of the receiving state shall take all necessary measures for the protection of persons and the preservation of property. Such measures shall, however, be restricted to those necessary for the maintenance of order, the protection of the interests of the salvors and the execution of the arrangements which shall be made for the entry or exportation of the salvaged merchandise. Such merchandise is not to be subjected to any customs or customhouse charges, unless it be intended for consumption in the receiving state.

3. The intervention of the authorities of the receiving state shall not occasion any expenses except such expenses as may be caused by the operations of salvage and the preservation of the goods saved, or which would be incurred under similar circumstances by vessels of the receiving state.

4. If a wreck is found within a port, or constitutes a navigational hazard within the territorial waters of the receiving state, there shall also be observed those arrangements which may be ordered by the authorities of the receiving state with a view to avoiding any damage that might otherwise be caused by the wrecked vessel to the port facilities and to other vessels.

ARTICLE XIII

For the purpose of this convention the term "national" shall be deemed to include any natural person or juridical entity possessing, as the case may be, the nationality of the receiving or the sending state, and the term "person" shall be deemed to include any natural person or juridical entity.

ARTICLE XIV

1. The territories of the contracting states to which the provisions of this convention apply shall be understood to comprise all areas of land and water subject to the sovereignty or authority of either state, except the Panama Canal Zone.

2. The provisions of paragraph 2, Article I, do not confer upon Consular officials and employees of the United States of America those rights, privileges, exemptions, and immunities conferred to Consular officials and employees of one or more of the Republics of El Salvador, Guatemala, Honduras and Nicaragua, by virtue of treaties and other agreements which have been entered into or may be entered into between the Republic of Costa Rica and one or more of the Republics of El Salvador, Guatemala, Honduras and Nicaragua.

ARTICLE XV

1. This Convention shall be ratified and the ratifications thereof shall be exchanged at San José, Costa Rica.

The Convention shall take effect in all its provisions the thirtieth day after the day of exchange of ratifications and shall continue in force for the term of ten years.

2. If, six months before the expiration of the aforesaid term of ten years, the Government of neither State shall have given notice to the Government of the other State of an intention to modify or terminate any of the provisions of this Convention or to terminate the Convention upon the expiration of the aforesaid term of ten years, the Convention shall continue in force after the aforesaid term and until six months from the date on which the Government of either State shall have given notice to the Government of the other State of an intention to modify or terminate the Convention.

In witness whereof, the respective Plenipotentiaries have signed this Convention and have hereunto affixed their seals.

Done in duplicate in English and Spanish, in the city of San José, this twelfth day of January, 1948.

[SEAL] A. B L
Secretary of State Encharged with the Office of Foreign Relations

[SEAL] JOHN WILLARD CARRIGAN
Chargé d'affaires ad Interim of the United States of America

Mr. CONNALLY. Mr. President, this is merely one of the routine consular treaties or conventions, in this case with Costa Rica. There was no question about it and no objection to it. The committee acted unanimously. I hope the Senate will ratify the convention.

The PRESIDING OFFICER. The convention is open to amendment. If there be no amendment to be proposed, the convention will be reported to the Senate.

The convention was reported to the Senate without amendment.

The PRESIDING OFFICER. The resolution of ratification will be read.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive D, Eightieth Congress, second session, a consular convention between the United States of America and the Republic of Costa Rica, signed at San José on January 12, 1948.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution of ratification is agreed to, and the convention is ratified.

CONVENTION ON THE INTERNATIONAL RECOGNITION OF RIGHTS IN AIRCRAFT

Mr. WHERRY. Mr. President, after looking over the report of the Foreign Relations Committee with reference to the first treaty on the calendar, the Convention on the International Recognition of Rights in Aircraft, signed at Geneva on June 19, 1948; after consulting with members of the subcommittee which had the convention under consideration and having knowledge that the full committee unanimously agreed to it, and that it is endorsed by some very important and highly recognized associations, including the American Bar Association, if it is agreeable, I withdraw my objection, and I shall cooperate with the distinguished Chairman of the Foreign Relations Committee in having the Senate proceed to ratify the treaty.

Mr. CONNALLY. Mr. President, in view of the Senator's statement, I hope the Senate will promptly ratify the treaty. There was no objection to it. It was referred to the subcommittee as being of great benefit particularly to the owners of aircraft in the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the treaty?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the convention, Executive E (81st Cong., 1st sess.), a Convention on the International Recognition of Rights in Aircraft, signed at Geneva on June 19, 1948, which was read the second time, as follows:

CONVENTION ON THE INTERNATIONAL RECOGNITION OF RIGHTS IN AIRCRAFT

Whereas the International Civil Aviation Conference, held at Chicago in November–December 1944, recommended the early adoption of a Convention dealing with the transfer of title to aircraft,

Whereas it is highly desirable in the interest of the future expansion of international civil aviation that rights in aircraft be recognised internationally,

The undersigned, duly authorized, have agreed, on behalf of their respective Governments, as follows:

ARTICLE I

(1) The Contracting States undertake to recognise:

(*a*) rights of property in aircraft;

(*b*) rights to acquire aircraft by purchase coupled with possession of the aircraft;

(*c*) rights to possession of aircraft under leases of six months or more;

(*d*) mortgages, hypotheques and similar rights in aircraft which are contractually created as security for payment of an indebtedness;

provided that such rights

(i) have been constituted in accordance with the law of the Contracting State in which the aircraft was registered as to nationality at the time of their constitution, and

(ii) are regularly recorded in a public record of the Contracting State in which the aircraft is registered as to nationality.

The regularity of successive recordings in different Contracting States shall be determined in accordance with the law of the State where the aircraft was registered as to nationality at the time of each recording.

(2) Nothing in this Convention shall prevent the recognition of any rights in aircraft under the law of any Contracting State; but Contracting States shall not admit or recognise any right as taking priority over the rights mentioned in paragraph (1) of this Article.

ARTICLE II

(1) All recordings relating to a given aircraft must appear in the same record.

(2) Except as otherwise provided in this Convention, the effects of the recording of any right mentioned in Article I, paragraph (1), with regard to third parties shall be determined according to the law of the Contracting State where it is recorded.

(3) A Contracting State may prohibit the recording of any right which cannot validly be constituted according to its national law.

ARTICLE III

(1) The address of the authority responsible for maintaining the record must be shown on every aircraft's certificate of registration as to nationality.

(2) Any person shall be entitled to receive from the authority duly certified copies or extracts of the particulars recorded. Such copies or extracts shall constitute *prima facie* evidence of the contents of the record.

(3) If the law of a Contracting State provides that the filing of a document for recording shall have the same effect as the recording, it shall have the same effect for the purposes of this Convention. In that case, adequate provision shall be made to ensure that such document is open to the public.

(4) Reasonable charges may be made for services performed by the authority maintaining the record.

ARTICLE IV

(1) In the event that any claims in respect of:

(*a*) compensation due for salvage of the aircraft, or

(*b*) extraordinary expenses indispensable for the preservation of the aircraft

give rise, under the law of the Contracting State where the operations of salvage or preservation were terminated, to a right conferring a charge against the aircraft, such right shall be recognised by Contracting States and shall take priority over all other rights in the aircraft.

(2) The rights enumerated in paragraph (1) shall be satisfied in the inverse order of the dates of the incidents in connexion with which they have arisen.

(3) Any of the said rights may, within three months from the date of the termination of the salvage or preservation operations, be noted on the record.

(4) The said rights shall not be recognised in other Contracting States after expiration of the three months mentioned in paragraph (3) unless, within this period,

(*a*) the right has been noted on the record in conformity with paragraph (3), and

(*b*) the amount has been agreed upon or judicial action on the right has been commenced. As far as judicial action is concerned, the law of the forum shall determine the contingencies upon which the three months period may be interrupted or suspended.

(5) This Article shall apply notwithstanding the provisions of Article I, paragraph (2).

ARTICLE V

The priority of a right mentioned in Article I, paragraph (1) (*d*), extends to all sums thereby secured. However, the amount of interest included shall not exceed that accrued during the three years prior to the execution proceedings together with that accrued during the execution proceedings.

ARTICLE VI

In case of attachment or sale of an aircraft in execution, or of any right therein, the Contracting States shall not be obliged to recognise, as against the attaching or executing creditor or against the purchaser, any right mentioned in Article I, paragraph (1), or the transfer of any such right, if constituted or effected with knowledge of the sale or execution proceedings by the person against whom the proceedings are directed.

ARTICLE VII

(1) The proceeding of a sale of an aircraft in execution shall be determined by the law of the Contracting State where the sale takes place.

(2) The following provisions shall however be observed:

(*a*) The date and place of the sale shall be fixed at least six weeks in advance.

(*b*) The executing creditor shall supply to the Court or other competent authority a certified extract of the recordings concerning the aircraft. He shall give public notice of the sale at the place where the aircraft is registered as to nationality, in accordance with the law there applicable, at least one month before the day fixed, and shall concurrently notify by registered letter, if possible by air mail, the recorded owner and the holders of recorded rights in the aircraft and of rights noted on the record under Article IV, paragraph (3), according to their addresses as shown on the record.

(3) The consequences of failure to observe the requirements of paragraph (2) shall be as provided by the law of the Contracting State where the sale takes place. However, any sale taking place in contravention of the requirements of that paragraph may be annulled upon demand made within six months from the date of the sale by any person suffering damage as the result of such contravention.

(4) No sale in execution can be effected unless all rights having priority over the claim of the executing creditor in accordance with this Convention which are established before the competent authority, are covered by the proceeds of sale or assumed by the purchaser.

(5) When injury or damage is caused to persons or property on the surface of the Contracting State where the execution sale takes place, by any aircraft subject to any right referred to in Article I held as security for an indebtedness, unless adequate and effective insurance by a State or an insurance undertaking in any State has been provided by or on behalf of the operator to cover such injury or damage, the national law of such Contracting State may provide in case of the seizure of such aircraft or any other aircraft owned by the same person and encumbered with any similar right held by the same creditor:

(*a*) that the provisions of paragraph (4) above shall have no effect with regard to the person suffering such injury or damage or his representative if he is an executing creditor;

(*b*) that any right referred to in Article I held as security for an indebtedness encumbering the aircraft may not be set up against any person suffering such injury or damage or his representative in excess of an amount equal to 80% of the sale price.

In the absence of other limit established by the law of the Contracting State where the execution sale takes place, the insurance shall be considered adequate within the meaning of the present paragraph if the amount of the insurance corresponds to the value when new of the aircraft seized in execution.

(6) Costs legally chargeable under the law of the Contracting State where the sale takes place, which are incurred in the common interest of creditors in the course of execution proceedings leading to sale, shall be paid out of the proceeds of sale before any claims, including those given preference by Article IV.

ARTICLE VIII

Sale of an aircraft in execution in conformity with the provisions of Article VII shall effect the transfer of the property in such aircraft free from all rights which are not assumed by the purchaser.

ARTICLE IX

Except in the case of a sale in execution in conformity with the provisions of Article VII, no transfer of an aircraft from the nationality register or the record of a Contracting State to that of another Contracting State shall be made, unless all holders of recorded rights have been satisfied or consent to the transfer.

ARTICLE X

(1) If a recorded right in an aircraft of the nature specified in Article 1, and held as security for the payment of an indebtedness, extends, in conformity with the law of the Contracting State where the aircraft is registered, to spare parts stored in a specified place or places, such right shall be recognised by all Contracting States, as long as the spare parts remain in the place or places specified, provided that an appropriate public notice, specifying the description of the right, the name and address of the holder of this right and the record in which such right is recorded, is exhibited at the place where the spare parts are located, so as to give due notification to third parties that such spare parts are encumbered.

(2) A statement indicating the character and the approximate number of such spare parts shall be annexed to or included in the recorded document. Such parts may be replaced by similar parts without affecting the right of the creditor.

(3) The provisions of Article VII, paragraphs (1) and (4), and of Article VIII shall apply to a sale of spare parts in execution. However, where the executing creditor is an unsecured creditor, paragraph 4 of Article VII in its application to such a sale shall be construed so as to permit the sale to take place if a bid is received in an amount not less than two-thirds of the value of the spare parts as determined by experts appointed by the authority responsible for the sale. Further, in the distribution of the proceeds of sale, the competent authority may, in order to provide for the claim of the executing creditor, limit the amount payable to holders of prior rights to two-thirds of such proceeds of sale after payment of the costs referred to in Article VII, paragraph (6).

(4) For the purpose of this Article the term "spare parts" means parts of aircraft, engines, propellers, radio apparatus, instruments, appliances, furnishings, parts of any of the foregoing, and generally any other articles of whatever description maintain for installation in aircraft in substitution for parts or articles removed.

ARTICLE XI

(1) The provisions of this Convention shall in each Contracting State apply to all aircraft registered as to nationality in another Contracting State.

(2) Each Contracting State shall also apply to aircraft there registered as to nationality:

(*a*) The provisions of Articles II, III, IX, and

(*b*) The provisions of Article IV, unless the salvage or preservation operations have been terminated within its own territory.

ARTICLE XII

Nothing in this Convention shall prejudice the right of any Contracting State to enforce against an aircraft its national laws relating to immigration, customs or air navigation.

ARTICLE XIII

This Convention shall not apply to aircraft used in military, customs or police services.

ARTICLE XIV

For the purpose of this Convention, the competent judicial and administrative authorities of the Contracting States may, subject to any contrary provision in their national law, correspond directly with each other.

ARTICLE XV

The Contracting States shall take such measures as are necessary for the fulfilment of the provisions of this Convention and shall forthwith inform the Secretary General of the International Civil Aviation Organization of these measures.

ARTICLE XVI

For the purposes of this Convention the term "aircraft" shall include the airframe, engines, propellers, radio apparatus, and all other articles intended for use in the aircraft whether installed therein or temporarily separated therefrom.

ARTICLE XVII

If a separate register of aircraft for purposes of nationality is maintained in any territory for whose foreign relations a Contracting State is responsible, references in this Convention to the law of the Contracting State shall be construed as references to the law of that territory.

ARTICLE XVIII

This Convention shall remain open for signature until it comes into force in accordance with the provision of Article XX.

ARTICLE XIX

(1) This Convention shall be subject to ratification by the signatory States.

(2) The instruments of ratification shall be deposited in the archives of the International Civil Aviation Organization, which shall give notice of the date of deposit to each of the signatory and adhering States.

ARTICLE XX

(1) As soon as two of the signatory States have deposited their instruments of ratification of this Convention, it shall come into force between them on the ninetieth day after the date of the deposit of the second instrument of ratification. It shall come into force, for each State which deposits its instrument of ratification after that date, on the ninetieth day after the deposit of its instrument of ratification.

(2) The International Civil Aviation Organization shall give notice to each signatory State of the date on which this Convention comes into force.

(3) As soon as this Convention comes into force, it shall be registered with the United Nations by the Secretary General of the International Civil Aviation Organization.

ARTICLE XXI

(1) This Convention shall, after it has come into force, be open for adherence by non-signatory States.

(2) Adherence shall be effected by the deposit of an instrument of adherence in the archives of the International Civil Aviation Organization, which shall give notice of the date of the deposit to each signatory and adhering State.

(3) Adherence shall take effect as from the ninetieth day after the date of the deposit of the instrument of adherence in the archives of the International Civil Aviation Organization.

ARTICLE XXII

(1) Any Contracting State may denounce this Convention by notification of denunciation to the International Civil Aviation Organization, which shall give notice of the date of receipt of such notification to each signatory and adhering State.

(2) Denunciation shall take effect six months after the date of receipt by the International Civil Aviation Organization of the notification of denunciation.

ARTICLE XXIII

(1) Any State may at the time of deposit of its instrument of ratification or adherence, declare that its acceptance of this Convention does not apply to any one or more of the territories for the foreign relations of which such State is responsible.

(2) The International Civil Aviation Organization shall give notice of any such declaration to each signatory and adhering State.

(3) With the exception of territories in respect of which a declaration has been made in accordance with paragraph (1) of this Article, this Convention shall apply to all territories for the foreign relations of which a Contracting State is responsible.

(4) Any State may adhere to this Convention separately on behalf of all or any of the territories regarding which it has made a declaration in accordance with paragraph (1) of this Article and the provisions of paragraphs (2) and (3) of Article XXI shall apply to such adherence.

(5) Any Contracting State may denounce this Convention, in accordance with the provisions of Article XXII, separately for all or any of the territories for the foreign relations of which such State is responsible.

In witness whereof the undersigned Plenipotentiaries, having been duly authorized, have signed this Convention.

Done at Geneva, on the nineteenth day of the month of June of the year one thousand nine hundred and forty-eight in the English, French and Spanish languages, each text being of equal authenticity.

This Convention shall be deposited in the archives of the International Civil Aviation Organization where, in accordance with Article XVIII, it shall remain open for signature.

Argentina El Gobierno Argentino hace reserva de otorgar a sus creditos fiscales la preferencia acordada en su legislacion nacional.
JUAN F. FABRI
GUILLERMO SUAYA
ARMANDO A. IRON
LUIS A. AEREAN
J. DH. OL. (J. DAMIANOVICH-OLIVEIRA)

Belgium
E. ALLARD
P. A. T. DE SMET

Brazil
H. C. MACHADO
TRAJANO FURTADO REIS
A. PAULO MOURA
E. P. BARBOSA DA SILVA
A. S. MARTINS—MAJORAS

China
WU NANJU

Colombia
MAURICIO T. OBREGON

France
HYMANS
H. BOUCHÉ
ANDRÉ GARNAULT

Iceland
AGNAR KOFOED-HANSEN

Italy
PAPALDO

Mexico
ENRIQUE M. LOAEZA REF.

Netherlands
H. J. SPANJAARD
Pour le Royaume en Europe

Peru
J. SAN MARTIN
A. WAGNER

Portugal
HUMBERTO DELGADO
MANUEL FERNANDES

United Kingdom
F. TYMMS
R. O. WILBERFORCE

United States
RUSSELL B. ADAMS

Venezuela
J. LOFEZ H.

Dominican Republic
HANOT D'HARTOY
ad ref.

Switzerland
ED. AMSTUTZ

Greece
P. A. METAXAS
ad referendum

Chile El Gobierno de Chile se reserva el derecho, con relacion a art. 10, inc. (2) del Convenio, de reconocer como derechos preferentes, de acuerdo con el orden establecido en su ley nacional, el credito del fisco por impuestos, tasas o derechos adenados por el propietario o tenedor de la aeronave y devengados en el servicio de esta, y el credito del trabajo por los sueldos y salarios de la tripulacion, por el período que limite la ley nacional.
G. EDWARD D. HAMILTON
RAMON RODRIGUEZ

Ireland
TIMOTHY J. O'DRISCOLL

I hereby certify that the present document is a full, true and correct copy of the Convention deposited in the Archives of the International Civil Aviation Organization.
ALBERT ROPER

The PRESIDING OFFICER. The convention is open to amendment. If there be no amendment to be proposed, the convention will be reported to the Senate.

The convention is reported to the Senate without amendment.

The PRESIDING OFFICER. The resolution of ratification will be read.

The Chief Clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of (Executive E, 81st Cong., 1st sess.) the Convention on the International Recognition of Rights of Aircraft, signed at Geneva on June 19, 1948.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution of ratification is agreed to, and the convention is ratified.

DEPARTMENT OF STATE—NOMINATIONS PASSED OVER

Mr. ELLENDER. Mr. President, may I inquire what is delaying the confirmation of Mr. Butterworth, of Louisiana?

Mr. MYERS. Mr. President, is the Senator addressing his question to me?

Mr. ELLENDER. I ask the distinguished acting majority leader.

Mr. MYERS. The distinguished minority leader has indicated there is objection to the nomination, and has again asked that it be passed over on this call of the calendar.

Mr. ELLENDER. May I inquire who is objecting and what is holding up the confirmation?

Mr. MYERS. I was informed by the minority leader there would be objection to this and the nominations in the Diplomatic and Foreign Service.

Mr. WHERRY. There will be objection.

Mr. MYERS. Therefore, I agreed to pass them over.

Mr. ELLENDER. May I inquire who is objecting?

Mr. WHERRY. Several objections have been made. I think it is unnecessary to give the names. The minority is perfectly willing and ready, whenever the majority leader suggests, to take up the nominations, and is willing to allot time for debate in connection with their consideration.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. MYERS. I yield.

Mr. KNOWLAND. I may say to the Senator from Louisiana, I think this will entail some considerable debate on the whole far eastern policy of the Government. It will probably have to be set when there is considerable time for debate.

Mr. ELLENDER. The nomination of Mr. Butterworth has been before the Senate since June 22. We ought to act on it one way or the other.

Mr. WHERRY. I may say by way of further answer, that because of the accumulation of appropriation bills, and their consideration, there has been an inability to find time to take up the nominations. That is the reason the nominations have not been considered. But the minority is perfectly ready and willing to consider them at any time the majority leader sets them for hearing and debate.

Mr. ELLENDER. I should like to have it noted in the RECORD that I shall take the matter up with the distinguished majority leader with a view to having this particular nomination considered sometime next week.

Mr. WHERRY. That is perfectly agreeable with me.

Mr. MYERS. Mr. President, I suggest we pass over the first two nominations on page 2. We shall probably be able to confirm en bloc the other nominations, and we shall then go back to the nomination of Tom C. Clark to be an Associate Justice of the Supreme Court of the United States.

Mr. CONNALLY. Mr. President, why not confirm the two diplomats nominated for positions in the Foreign Service? They are on the list. So far as I know there is no objection to either of them.

Mr. WHERRY. Mr. President, there has been objection to those two for some time. The same explanation is given in answer to the inquiry of the distinguished Senator from Texas that I gave with reference to the nomination of Mr. Butterworth.

The PRESIDING OFFICER. Objection is heard.

Mr. CONNALLY. The objection I understand comes from the Senator from Maine. He is not objecting to the individuals, but to the rank. His position is, I understand, we should make them all ambassadors or make them all ministers. The Senator from Maine does not seem to be present in the Chamber. Of course, if the minority leader objects, we shall have to let the nominations go over.

Mr. WHERRY. Mr. President, I continue to state to the distinguished Senator from Texas that objection has been filed. The minority is perfectly willing at any time the majority leader desires, to take them up, to debate the issue and either to confirm or refuse to confirm. There is no disposition at all on my part to delay their consideration. The sooner, the better.

The PRESIDING OFFICER. Objection is heard.

PUBLIC HEALTH SERVICE

The Chief Clerk proceeded to read sundry nominations in the Public Health Service.

Mr. MYERS. I ask that the nominations in the Public Health Service be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Public Health Service are confirmed en bloc.

UNITED STATES MARSHAL

The Chief Clerk read the nomination of Alphonse Roy to be United States marshal for the district of New Hampshire.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

UNITED STATES COAST GUARD

The Chief Clerk read the nomination of William H. E. Schroeder to be a lieutenant, junior grade.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The Chief Clerk proceeded to read sundry nominations of postmasters.

Mr. MYERS. I ask that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

Mr. MYERS. I ask that the President be immediately notified of all nominations confirmed today.

The PRESIDING OFFICER. Without objection, the President will be immediately notified.

SUPREME COURT OF THE UNITED STATES

The Chief Clerk read the nomination of Tom C. Clark to be an Associate Justice of the Supreme Court of the United States.

Mr. MYERS. Mr. President, I suggest that this nomination be made the pending business, and that the Senate recess this evening as in executive session, to convene tomorrow at 12 o'clock. I shall propose a unanimous consent request that a vote be taken upon the confirmation of the nomination at 3:30 o'clock tomorrow. Therefore, Mr. President, I move——

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. MYERS. I am glad to yield.

Mr. MAGNUSON. Mr. President, a parliamentary inquiry. Does the fact that the Senate is in executive session, and will be in executive session tomorrow, in anywise prejudice the position of the pending business, namely, the Interior Department appropriation bill, H. R. 3838?

The PRESIDING OFFICER. It does not.

Mr. MAGNUSON. Is it the intention, after the Clark nomination is disposed of, tomorrow, to resume consideration of the Interior appropriation bill?

Mr. MYERS. That is the understanding.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. MYERS. I am happy to yield.

Mr. CONNALLY. That is not to be understood, I take it, as excluding the nomination of the Attorney General.

Mr. MYERS. No.

Mr. CONNALLY. The Senator inquired whether it is the intention, when we finish consideration of the Clark nomination, to go back to the appropriation bill.

Mr. MAGNUSON. Mr. President, I had in mind also the nomination of our distinguished colleague, the Senator from Rhode Island [Mr. McGRATH].

Mr. CONNALLY. That is satisfactory.

Mr. MYERS. The Senate will still be in executive session.

Mr. President, I first ask unanimous consent that the nomination of Tom C. Clark be made the pending business, as in executive session; that when the Senate recesses tonight it take a recess, as in executive session, until 12 o'clock noon tomorrow; that at the hour of 3:30 o'clock p. m. tomorrow, the Senate proceed to vote on the confirmation of the nomination; and that the 3½ hours' time be equally divided between the Senator from Texas [Mr. CONNALLY] and the Senator from Michigan [Mr. FERGUSON].

The PRESIDING OFFICER. Is there objection to the request?

Mr. CONNALLY. Mr. President, I really suppose the Senator from Nevada [Mr. McCARRAN] should control the time for the proponents. He is chairman of the Committee on the Judiciary. I have no information, and no desire to interfere. I do not think there will be any difficulty about it.

Mr. LANGER. Mr. President, reserving the right to object, in behalf of the Senator from Michigan, the Senate will remember the Senator said he wanted 2 hours. If the Senate convenes at 12, and votes at 3:30, the Senator will not have his 2 hours. I therefore suggest that the nomination be voted on at 4 o'clock.

Mr. CONNALLY. The Senator agreed to it.

Mr. WHERRY. May I suggest to the distinguished Senator from North Dakota, I took up the matter with the distinguished junior Senator from Michigan, and, after considerable discussion with all interested parties, he was agreeable to voting at 3:30. I think that, as one of the contemplated speakers he will be satisfied with an hour and a half.

The PRESIDING OFFICER. Without objection, the unanimous consent agreement is entered into.

AUTHORITY TO SIGN JOINT RESOLUTION

Mr. MYERS. Mr. President, I ask unanimous consent that during the recess of the Senate the President pro tempore be authorized to sign House Joint Resolution 339, extending certain appropriations for the Government.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. MYERS. I yield.

Mr. WHERRY. May I ask the acting majority leader if it is contemplated to hold a Saturday session?

Mr. MYERS. I will say that we shall not have a Saturday session.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. MYERS. I yield.

Mr. MAGNUSON. I should like to ask the Senator from Pennsylvania if that depends upon whether we finish debate on the appropriation bill.

Mr. MYERS. We have not held any Saturday sessions, and I think the consensus is that we should not have a Saturday session this week and that if it is intended to hold such a session, advance notice should be given.

Mr. MAGNUSON. But, regardless of whether we hold a Saturday session, when we start the consideration of the appropriation bill, is it the intention that we shall continue until we finish it?

Mr. MYERS. Definitely.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. MYERS. I yield.

Mr. WHERRY. Mr. President, I should like to ask the distinguished acting majority leader, inasmuch as the unanimous-consent request did not include the nomination of the Senator from Rhode Island [Mr. McGRATH] to be Attorney General, is it also intended that after the vote on the nomination of Hon. Tom Clark the Senate will also consider the McGrath nomination?

Mr. MYERS. The Senate will still be in executive session after we complete the debate on the nomination of Mr. Clark, and it is the intention of the acting majority leader then to dispose of the McGrath nomination.

Mr. WHERRY. Very well.

RECESS

Mr. MYERS. As in executive session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 52 minutes p. m.) the Senate took a recess until tomorrow, Thursday, August 18, 1949, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate August 17 (legislative day of June 2), 1949:

IN THE AIR FORCE

The following officer for appointment to the position indicated under the provisions of section 504, Officer Personnel Act of 1947.

Lt. Gen. Benjamin Wiley Chidlaw, 23A, Air Force of the United States (major general, U. S. Air Force), to be commanding general, Air Matériel Command, United States Air Force, with the rank of lieutenant general, with rank from October 1, 1947.

IN THE NAVY

The following-named officers for permanent appointment in the Civil Engineer Corps of the Navy in the grades hereinafter stated:

LIEUTENANT (JUNIOR GRADE)

Devlin, John G.	Mabbitt, Robert C.
Dill, Allen F.	Perkins, William L.
Fisher, John R.	Ruppel, Henry D.
Hill, James M., Jr.	Stacey, Ernest R.
Kaloupek, William E.	Weaver, Walter A., Jr.

ENSIGN

Ashley, Donn L.

The following-named officer for permanent appointment in the Supply Corps of the Navy in the grade hereinafter stated:

ENSIGN

Hatch, James C.

The following-named officer for temporary appointment in the Supply Corps of the Navy in the grade hereinafter stated:

LIEUTENANT COMMANDER

Sirginson, Arthur W.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 17 (legislative day of June 2), 1949:

PUBLIC HEALTH SERVICE

APPOINTMENTS AND PROMOTIONS IN THE REGULAR CORPS

To be senior assistant surgeons (equivalent to the Army rank of captain), effective date of acceptance

Roger M. Cole.
Stewart R. Panzer
Paul K. Benedict
Winslow J. Bashe, Jr.
Jarvis E. Seegmiller
Richard S. Yocum
Harry S. Wise
Carl F. Essig, Jr.
William W. Quisenberry
William A. Rinn

To be assistant surgeons (equivalent to the Army rank of first lieutenant), effective date of acceptance

Charles H. Lithgow
James V. Maloney, Jr.
Robert D. Sullivan
William E. Ganss
John M. Bishop, Jr.
Werner F. Cryns
Clifford H. Cole
Charles J. Buhrow
Charles L. Fellows
Robert H. Aronstam
John C. Stirling
Lee A. Craig, Jr.
Benjamin M. Primer, Jr.
James W. Osberg, Jr.
Carl F. T. Mattern
James S. Hawthorne
John A. Pierce
Francis Chanatry
Robert L. Brutsche

To be surgeons (equivalent to the Army rank of major)

Gene B. Haber
Louis C. Floyd
Arthur H. Maybay

UNITED STATES MARSHAL

Alphonse Roy, to be United States marshal for the district of New Hampshire.

UNITED STATES COAST GUARD

William H. E. Schroeder, to be lieutenant (junior grade), in the Coast Guard.

POSTMASTERS

INDIANA

Levern C. Fortin, Whiting.

MICHIGAN

Russell R. Farling, Beaverton.
Max R. Day, Carleton.
Asher L. Hyliard, Concord.
Jesse E. Davis, Fremont.
Arthur W. Hamilton, Grand Rapids.
Selena C. Anderson, Omer.
Louis J. Hartel, Oscoda.
Lawrence E. Baugn, Pinckney.
Ernest R. Moser, Richville.
Phyllis J. Speck, Scotts.
Frances L. Lee, Spring Arbor.

MISSOURI

Robert W. Snell, Knox City.

PENNSYLVANIA

Edward W. Sulek, California.
William E. Sheridan, Clarion.
Joseph Jollick, Denbo.
Steve Bogdewic, Jr., Ellsworth.
Earl G. Watt, Enon Valley.
Marie J. Suain, Hazel Hurst.
Lawrence H. McCarty, Monongahela.
Irene B. Rubis, Muse.
David W. Wilson, New Wilmington.
Clifford H. Good, Reamstown.
Nancy P. Phillips, Revloc.
Jessie E. Benedict, Rohrerstown.
Minnie M. Ritter, Shamokin Dam.

HOUSE OF REPRESENTATIVES

WEDNESDAY, AUGUST 17, 1949

The House met at 12 o'clock noon.

The Acting Chaplain, the Reverend James P. Wesberry, pastor, Morningside Baptist Church, Atlanta, Ga., offered the following prayer:

Everliving God, our Father, whose most glorious attribute is holy love, let Thy love flow into our hearts like a mighty river, for Thy word teaches us that "love suffereth long and is kind; love envieth not; love vaunteth not itself, is not puffed up, doth not behave itself unseemly, seeketh not her own, is not easily provoked, thinketh no evil," and that "love never faileth." Give us such a love as this that we may love Thee as Thou dost love us, and that we may love our fellow man, at home and around the world, as we love ourselves. Put us in remembrance, loving Father, as we enter the discussions and debates of the day, that though we "speak with the tongues of men and of angels, and have not love," we are "become as sounding brass or a tinkling cymbal." For this love we pray, in the name of Him who reveals Thy love to us, as nowhere else in all the universe. Through the blood of His cross. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. McDaniel, its enrolling clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1232. An act to increase the equipment maintenance allowance payable to rural carriers.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 2296) entitled "An act to amend and supplement the act of June 7, 1924 (43 Stat. 653), and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ELLENDER, Mr. HOLLAND, Mr. GILLETTE, Mr. AIKEN, and Mr. THYE to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1962) entitled "An act to amend the cotton and wheat marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended."

MARGARET MITCHELL

Mr. DAVIS of Georgia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DAVIS of Georgia. Mr. Speaker, the untimely passing on yesterday of Margaret Mitchell has caused sadness to millions of people in many lands.

The world knew her as one of the great authors of all time. The people of her native Atlanta knew her not only as a talented writer but as a gentle, kindly, modest, and unassuming friend and neighbor.

She wrote of a people and region which were close to her heart. With her genius, she could have written successfully of other subjects, but she chose to write the story of her own section and the adherence of her people to a cause in which they believed. She was not one to waver in loyalty, and hers was not a spirit to deny kinship with the people she loved because their lot was unhappy or their cause defeated.

As a result of her great book, the people of the South and the North have been bound closer together in bonds of mutual respect and understanding, and all feel equally the great loss sustained through her death.

EXTENSION OF REMARKS

Mr. LANE asked and was given permission to extend his remarks in the RECORD in two instances: in one, to include a letter from a constituent; and in the other, to include another item.

Mr. BARTLETT asked and was given permission to extend his remarks in the RECORD and include an editorial.

Mr. ZABLOCKI asked and was given permission to extend his remarks in the RECORD and include an editorial from the Milwaukee Journal in tribute to the late Honorable William George Bruce.

Mr. TRIMBLE asked and was given permission to extend his remarks in the RECORD and include an editorial.

Mr. LUCAS asked and was given permission to extend his remarks in the RECORD and include an editorial.

Mr. SMITH of Wisconsin asked and was given permission to extend his remarks in the RECORD in three instances and include extraneous matter.

Mr. JAVITS asked and was given permission to extend his remarks in the RECORD in two instances and include extraneous matter.

SPECIAL ORDER GRANTED

Mr. JAVITS. Mr. Speaker, I ask unanimous consent that on Tuesday next, after the disposition of business on the Speaker's desk and the conclusion of special orders heretofore granted, I may address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

"WHERE ARE YOU GOING TO GET THE MONEY?"

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, I want to read a letter I received this morning. It is as follows:

WILLIAMSPORT, PA., *August 16, 1949.*

Mr. ROBERT F. RICH,
House Office Building,
Washington, D. C.

DEAR BOB: This morning I fitted a glass to the eye of Mr. Charles Metzger, Muncy, Pa., whom I believe you know. He is a fine old